HOUSE OF ASSEMBLY

Wednesday 5 April 1995

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Adelaide Festival Centre Trust (Trust Membership) Amendment,

Gaming Supervisory Authority,

Real Property (Witnessing and Land Grants) Amendment,

Statutes Amendment (Gaming Supervision).

TREES

A petition signed by 570 residents of South Australia requesting that the House ensure that effective legislation is enacted to protect trees and/or bushland in the metropolitan area from being felled or distorted was presented by the Hon. G.A. Ingerson.

Petition received.

EDUCATION AND CHILDREN'S SERVICES BUDGET

A petition signed by 19 residents of South Australia requesting that the House urge the Government not to cut the Education and Children's Services budget was presented by the Hon. H. Allison.

Petition received.

EUTHANASIA

Petitions signed by 450 residents of South Australia requesting that the House oppose any measure to legislate for euthanasia were presented by Messrs Kerin and Meier.

Petitions received.

Petitions signed by 171 residents of South Australia requesting that the House maintain the present homicide law, which excludes euthanasia while maintaining the common law right of patients to refuse treatment, were presented by Messrs Brokenshire, Meier and Scalzi.

Petitions received.

LOCAL GOVERNMENT AMALGAMATION

A petition signed by 237 residents of South Australia requesting that the House request the Minister for Housing, Urban Development and Local Government Relations to reconsider the amalgamation of the Truro and Dutton areas with the District Council of Angaston was presented by Mr Venning.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 158, 164, 167, 178, 184, 185 and 189; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

MOTOR VEHICLE REGISTRATIONS

In reply to **Mr De LAINE (Price)** (16 February).

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information:

Prior to the expiry of a motor vehicle's registration, an invitation to renew is posted to the address appearing on the motor vehicle register. If the invitation is presented for payment, it may be paid by anyone at any Motor Registration office or agency. If a person applies to renew the registration of a motor vehicle without the invitation to renew, proof of identity, such as a driver's licence, is required.

The Motor Vehicles Act establishes a system of registration of motor vehicles, rather than a system of registration of ownership of motor vehicles. An application to transfer the registered ownership of a currently registered vehicle requires the signature of the previous registered owner authorising transfer of the unexpired period of registration and third party insurance.

Where subsequent events prove that a false statement was deliberately made in regard to ownership, then further action may be taken. Should the Registrar of Motor Vehicles become aware that a motor vehicle has been incorrectly transferred, steps are immediately taken to record the correct owner.

In the case of disputes, the question of ownership is often a matter for legal interpretation and Motor Registration officers are not in a position to establish who has legal title to the vehicle in dispute.

The system of transferring the registration of motor vehicles in South Australia is in line with the National Vehicle Registration Scheme business rules, established by the National Road Transport Commission and supported by all registration authorities. Registration can only be transferred by using a current certificate of registration.

WATER SUPPLY

In reply to **Ms HURLEY (Napier)** 8 March.

The Hon. J.W. OLSEN: The method adopted for paying the contractor responsible for metropolitan water and wastewater services will not affect the way customer prices are determined.

The Government announced the water pricing arrangements that would apply in 1995-96 in December 1994 and considers that this pricing structure contains strong conservation incentives.

The Government will continue to be responsible for determining the structure and level of prices, therefore, there is no question of a structural disincentive arising as a result of the outsourcing contract.

WELLAND PEDESTRIAN CROSSING

In reply to **Mr ATKINSON (Spence)** 8 March.

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information.

The Department of Transport commenced work on the installation of the pedestrian crossing on 6 March 1995. It is anticipated that the pedestrian crossing will be operational by 13 April 1995.

EWS PAY AS YOU USE CARD

In reply to **Ms HURLEY (Napier)** 16 March.

The Hon. J.W. OLSEN: The Pay As You Use Card was introduced to help customers who would prefer to make regular payments as they use water, rather than having to pay a larger amount when the water use account falls due. The card was not intended to be used to make instalment payments on arrears.

The card is for use at Australia Post agencies and each payment received using this payment option incurs an agency fee (currently $1.069 per transaction for the EWS).

As I requested, the EWS has re-examined the minimum payment level and has determined that it is not cost effective to have a minimum payment level lower than $25.

For a minimum payment of $25, the EWS loses about 5 per cent of revenue, which is equivalent to the merchant bank fees on credit cards. However, for payment levels of $10 the loss of revenue would be in the order of 9 per cent and this would increase as the payments reduce in size.

Therefore, the greater the number of payments that are made using the Pay As You Use Card, the greater the total processing costs and consequently a greater loss of revenue.

Customers need not pay amounts to authorities such as Telecom, ETSA, SAGASCO and the EWS each pay day. Customers could pay each one of these authorities on different occasions and still achieve the same benefits. For example if they presently pay a total of $50.00 to these authorities each pay, they could instead pay it all to Telecom one pay, then to ETSA next pay and so on. A simple roster system such as this will save them the inconvenience of having to make a series of small payments and will also reduce the cost to the authorities.

A further option for EWS customers wishing to make part payments of less than $25, is to make the payment direct to the EWS, either in person or by mail.

Customers who are experiencing difficulties in paying arrears should contact the EWS's customer services officers as soon as possible so that their problem can be considered and, if necessary, a mutually acceptable method of payment can be negotiated.

BANK OF SOUTH AUSTRALIA

In reply to **Hon. FRANK BLEVINS (Giles)** 21 March.

The Hon. S.J. BAKER: The bank has confirmed that it did send an offer for accidental death cover to a minor residing in the honourable member's electorate.

I am advised by the bank that it regrets this error and is writing an appropriate letter of apology to the parents of the particular customer.

I am informed that the error was caused by the customer information profile contained on the bank's Customer Information System not being complete in respect of the customer's age at the time the account was opened and the parameters placed on the mailout of this particular product. I should add the bank has received a very good response from this mailout.

However, on advice from any customer that they do not wish to receive any advertising material then the systems of the bank are flagged to ensure that no information of any nature is forwarded.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. S.J. Baker)—

Fair Trading Act—Regulations—Health and Fitness Industry—Code of Practice.

By the Treasurer (Hon. S.J. Baker)—

Economic and Finance Committee, response to the Interim Report on the Management of the Government Motor Vehicle Fleet.

By the Minister for Industrial Affairs (Hon G.A. Ingerson)—

Workers Rehabilitation and Compensation Act—Regulations—Claims and Registration.

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

Art Gallery Act—Regulations—Opening Times.

By the Minister for Health (Hon. M.H. Armitage)—

Physiotherapists Act—Regulations—Fees Renewal.

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald).

Local Government Act—Regulations—Insurance Against Civil Liabilities.
District Council of Coober Pedy—By-law—No. 6—Sewerage Scheme.
Corporation of the City of Glenelg—By-laws—
No. 1—Permits and Penalties.
No. 3—Vehicle Movement.
No. 5—Parklands.
No. 6—Public Conveniences.
No. 7—Caravans.
No. 9—Inflammable Undergrowth.
No. 10—Dogs.
No. 11—Bees.
No. 12—Garbage Removal.
No. 13—Tents.
No. 16—Patawalonga Boat Haven, Recreation Reserve, Boat Ramp and Boat Ramp Carpark.
No. 18—Jetty.
Development Act 1993—District Council of Tatiara Keith Industrial Estate Plan Amendment Report.

By the Minister for Primary Industries (Hon D.S. Baker)—

Australian Barley Board—Report, 1993-94.
Agriculture and Resource Management Council of Australia and New Zealand—Records and Resolution Third Meeting, 23 September 1994.
Agriculture and Resource Management Council of Australia and New Zealand—Records and Resolution Fourth Meeting, 28 October 1994.

By the Minister for Employment, Training and Further Education (Hon. R.B. Such)—

Department for Employment, Training and Further Education—Corporate Review and Report, 1994.
Industrial and Commercial Training Commission—Report, 1993-94.
Response to Public Works Committee Report—Seaford 6-12 School Project.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

Ms GREIG (Reynell): I bring up the interim report of the committee and move:

That the report be received.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mrs KOTZ (Newland): I bring up the fifteenth report of the committee on the environmental, resources, planning, land use, transportation and development aspects of the MFP Development Corporation for 1994-95 and move:

That the report be received.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the twenty-third report of the committee and move:

That the report be received.

Motion carried.

PORT AUGUSTA POLICE COMPLEX

The Hon. W.A. MATTHEW (Minister for Emergency Services): As Minister for Emergency Services and pursuant to section 19(3) of the Parliamentary Committees Act 1991, I table my response to the report of the Public Works Committee on the police complex at Port Augusta.

QUESTION TIME

CORONIAL INQUIRY

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Health accede to the Opposition's freedom of information request for copies of all documents held by the Health Commission relating to the HUS epidemic? Is the Minister prepared to give evidence before the coronial

inquiry? The Opposition has been informed by the Health Commission that its FOI request was denied on the grounds that the Coroner had served a warrant to obtain and remove all documents. The Opposition has reason to believe that the Health Commission retains copies of all documents forwarded to the Coroner and the matter of non-disclosure to the Opposition is now the subject of an inquiry by the Ombudsman. The Minister's decision not to exercise his powers under section 25 of the Food Act to prohibit the sale of contaminated meat products and the advice he received should be explained to the inquiry by the Minister himself.

The Hon. M.H. ARMITAGE: I indicate to the Leader of the Opposition and to the House that, when the requests for freedom of information documents were received, we made inquiries of the relevant legal personnel and it was indicated to us that they ought not be sent until after the Coroner's inquiry had concluded. That was advice which I received and which I communicated to the Leader of the Opposition forthwith. So, until that restriction is taken from me I can do nothing about it.

FEDERAL MINISTERS

Mr CAUDELL (Mitchell): Does the Premier have any messages for Federal Ministers who are attempting to interfere in important Government reforms in South Australia?

The Hon. DEAN BROWN: I certainly do have a clear message for Federal Ministers as a result of the Canberra by-election, when quite clearly the Labor Federal Government became unhinged; and it is now flapping around looking for key issues here in South Australia. In fact, it is grasping throughout Australia to find a single issue on which it can try to build up its popularity. Last week we had visits from two Federal Ministers: Health Minister Lawrence—and I will touch on her in a moment—and, of course, Industry Minister Cook, who came in—

Members interjecting:

The Hon. DEAN BROWN: Well, I will more than adequately deal with her in a moment. I point out that Federal Minister Cook came here and tried to criticise the South Australian Government for the program that it has put in place for the private management of the EWS to save literally hundreds of millions of taxpayers' dollars. At the same time we have a Prime Minister out there talking about competition policy and who next week will have a COAG meeting at which he will ask State Premiers to put their signature on a document to ensure that we adopt a national competition policy. Here we have Minister Cook coming in and arguing against that very policy.

I come back to the Federal Minister for Health, who is starting to argue about what we have done at Modbury Hospital. We all understand what we have done there to the benefit of the health system of South Australia: saving something like 17 per cent on the costs of operating that hospital by introducing competition from the private sector. In addition, we have achieved for South Australia a very significant new 65-bed private hospital. Minister Lawrence should go back to her office in Canberra and deal with some fundamental issues that relate to Medicare. She should deal with the issue of private health insurance in Australia, because that is imposing the biggest single problem that the health system across Australia is now confronting.

I will give members some figures. In 1992-93, 58 100 people dropped out of private health insurance here in South Australia. A survey found that, of those 58 100 who dropped out in 1992-93, in the subsequent 12 months 7 700 went into a public hospital requiring treatment. Members can see the extent of the problem within public hospitals right across Australia—and every State is facing the same problem. It is a crisis brought about by the enormous slump in private health insurance and the additional pressures that that imposes on the public hospital system. A few years ago, 80 per cent of South Australia's population were privately insured. That figure is now down to 32 per cent. What a dramatic drop. That means that the public hospital system was handling 20 per cent of the people; it is now handling over 60 per cent of the people. It is no wonder that there are significant pressures throughout Australia. Look at what has occurred in Victoria, New South Wales and here in South Australia as a result of that additional load being imposed on the public hospital system because of the slump in private health insurance. The additional cost imposed on the State Government to handle those 7 700 people is $27 million.

It is no wonder that the existing budget for health in South Australia is inadequate when you have an additional pressure like that coming on year by year, due to the slump in private health insurance. The other fundamental issue here is the fact that it was the Federal Labor Government itself that in 1993 took $24 million out of the Medicare Agreement for South Australia—signed by the previous State Labor Government, unfortunately. That left South Australia with a Medicare Agreement that was much worse than those in Victoria and New South Wales. So, my plea to the Federal Ministers is to stay in Canberra and fix up the mess they themselves have created. Fix up the problems like the slump in private health insurance occurring right across Australia. Fix up the problems with the Medicare Agreement, rather than coming to South Australia and trying to meddle in matters that truly relate to the State Government. Stop trying to turn back the clock on issues such as Modbury Hospital.

FLINDERS MEDICAL CENTRE

Ms STEVENS (Elizabeth): Will the Premier urgently meet with the board and management of the Flinders Medical Centre and the Noarlunga Hospital to resolve the financial and health crisis in our southern hospitals? In the past week the Opposition has been contacted by many staff and patients at Flinders Medical Centre who are angry and upset at the decline in services at the hospital that has resulted from the Government's budget cuts. The longstanding Chief Executive Officer of the hospital (John Blandford) has resigned; 400 jobs are to go over the next two years; staff in the gynaecological surgery unit—

The SPEAKER: Order! There are too many interjections coming from my right.

Ms STEVENS: —have written letters in protest at the decline in services; and 2 700 operations will be cancelled. Services to public patients at Noarlunga have been curtailed.

The Hon. DEAN BROWN: The answer is 'No.' The person responsible for those hospitals is the Minister for Health, and the boards of the hospitals should go and see him. In relation to the reasons why those funding problems exist, I have just spent five minutes highlighting those issues. I cannot imagine a worse question to ask immediately after the answer I have just given. The fundamental problem lies with the Federal Government. That is why health is a key issue around the whole of Australia at present. That is why every other State Government is facing a funding problem in

respect of public hospitals. I plead with the honourable member to go off and talk to her colleague the Federal Minister for Health and ask her, first, to do something about the crisis in private health insurance and, secondly, to do something about the Medicare Agreement, since she and her Labor colleagues ripped $24 million out of South Australia's health budget.

INSTANT TICKET VENDING MACHINES

Mr BROKENSHIRE (Mawson): Will the Treasurer provide details of the progress being made by the Lotteries Commission in the trials of instant ticket vending machines on licensed premises?

The Hon. S.J. BAKER: Members raised some concerns about the use of instant ticket vending machine trials as they were previously operating. They were taken out of open access areas and we have placed them within a much more supervised environment to test their viability. Under the previous trials, one was run in a hotel gaming machine area, where the average weekly sales were $239; in a supermarket—the issue raised by the member for Playford—where sales were $812 a week; and there was a petrol station with sales of $1 156 a week. Those latter two figures were in the area of viability. Since they have reverted to hotels, the figures are $261, $288 and $167 per week.

Obviously, the trial of instant ticket vending machines in those closed and supervised environments has not been successful. The Lotteries Commission reports to me that it will be continuing the hotel trial for a further three months and, if that proves unsuccessful, the trial will end and there will be no purchase of that equipment. On a lighter note, I have been advised that South Australia now has four millionaire winners in the X-Lotto for 1995.

RENAL DIALYSIS

Ms STEVENS (Elizabeth): Will the Minister for Health meet with dialysis patients at Flinders Medical Centre to hear first-hand the impact that budget cuts will have on their health and quality of life? The Opposition has been contacted by several peritoneal dialysis patients at Flinders Medical Centre who have been told that, from next month, they will receive cheaper three connection self-dialysis kits to replace their current single connection units. The Opposition has been informed that the old style system was replaced some years ago as it tripled the chance of patients contracting peritonitis but now has been reintroduced to save $50 000 a year.

The Hon. M.H. ARMITAGE: I would be delighted to meet with them. To the best of my knowledge, a request has not come to me personally but it might have come to my office: I do not know. But there has been no request, and I would be delighted to meet with them. The whole point is that for renal dialysis patients their salvation lies not in funding but in organ transplantation. As the chairperson of the Select Committee on Organs for Transplantation, I stress that to the member for Elizabeth. We visited Flinders Medical Centre and discussed at great length with the staff the difficulties experienced by people needing renal dialysis. I assure members and everybody—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Well, the simple fact of the matter is that people on renal dialysis—as was made clear to us when taking evidence for the select committee—do not want to remain on renal dialysis: they want a renal transplant, and that is exactly what the select committee is attempting to procure.

COLLINSVILLE MERINO STUD

Mr KERIN (Frome): Will the Treasurer inform the House whether progress has been made towards the sale of the Collinsville Stud?

The Hon. S.J. BAKER: I am amazed that the Opposition has not raised the question of the Collinsville Stud in this House. I know that the Hon. Ron Roberts has been running wild in the press and in the Parliament, and we have responded to some of his requests in relation to the Collinsville Stud, but I have never known that the Hon. Ron Roberts knew much about sheep studs—

An honourable member: Or anything.

The Hon. S.J. BAKER: Or anything. The issue has been resolved to our satisfaction in that the tender process has been stopped—and I will reflect on that in a minute. The values that were presented were insufficient; we did not believe that they were appropriate. We believe that a higher figure could and should be obtained, so the tender process was stopped. We have put it out for sale, again. There is an option on that property should it fail to reach a certain price, which I will not reveal to the House but which is certainly much above the best figure that was presented by tender.

It has been an interesting process. As a Minister who had some involvement at an early stage in the sale of Collinsville, I would like to reflect on the part played by a number of people and the fact that they did not assist the process whatsoever. When the process was apparent and announcements were made, it was going through what would be classed as a legitimate process to ascertain what the market believed was appropriate to pay for the Collinsville Stud.

As part of that process, a person by the name of Mr Wickham put forward a deal to the South Australian Asset Management Corporation which put a price on the property that, obviously, was higher than our expectations. As part of the process of accepting that bid, conditions were placed upon it, and that person signed with respect not only to confidentiality but also to capacity to pay: in fact, he had to convince the South Australian Asset Management Corporation that he had the capacity to pay. There was also a requirement that on 28 February, from memory, he had to provide the full deposit required of $500 000 in round figures.

Mr Wickham broke this agreement in a number of ways. First, he did not provide any evidence of financial capacity within the time frame to which he had agreed and which had been written into his contract: it was written into his contract that he had to show financial capacity. He sent two faxes from accountants who said, 'Mr Wickham has told us that he has plenty of money'—that is basically what they said and that is what he regarded as proof of financial capacity. Mr Wickham sent another fax after the due date to prove financial capacity, and he assured everyone right from the very beginning that he was pecunious. He sent another fax from a person who was not a registered CPA to assure us that he had financial capacity.

A little later he broke the confidentiality rule and told the *Advertiser*, 'A $9 million deal has gone down the drain.' As soon as that information, which broke the rules to which he had agreed, became available, the market for that property virtually disappeared overnight, because everyone would have assessed that the property was not worth $9 million and

that, if anyone did agree to pay $9 million, they would not operate in that market.

There have been a number of accusations about inappropriate practice. I followed appropriate practice on all occasions with this particular gentleman regarding the handling of the sale, and the South Australian Asset Management Corporation did as well. It disturbs me that rural radio has used Mr Wickham to advance I do not know whose cause, but I have my suspicions, by allowing him to make statements which, quite frankly, are actionable as are some of the comments made by the radio station, including calling me a liar.

One of the classic statements was that Mr Wickham said on, I think, 5CK, 'The Treasurer has lied to the Parliament.' The announcer then said, 'In what respect?' He said, 'I haven't read his comments yet.' This is the sort of rubbish—these classic quotes—that has been apparent in both the *Advertiser* and the rural media. No-one has actually checked to see what sort of a character we are dealing with, but I note that the *Weekly Times* has an interesting summary of Mr Wickham. As I said, the issue of a person's credibility and the way in which the media gives them voice is of great concern to me. The *Weekly Times* wrote an interesting article which reflects on Mr Wickham.

Mr Quirke interjecting:

The Hon. S.J. BAKER: Well, it hasn't actually been given top air play across rural radio because they seem to have been running different agendas. The article confirms that Mr Wickham was bankrupt from 1987 to 1992 and that the sort of information that we received initially about a film production was correct—that Mr Howson had travelled with Mr Wickham to inspect the Collinsville property. Mr Howson said, quite frankly, that it was a complete waste of time, that Mr Wickham revealed no capacity to perform. The article goes on to say that during the trip to Adelaide Mr Wickham stopped at the River Bend Motel at Tailem Bend. A cheque for $110 was given to the motel owners by Mr Wickham drawn on the account of Film Finance Company Pty Ltd, an organisation under Mr Wickham's directorship. The cheque was twice rejected by the bank. Mr Wickham was unable to recall the incident, but he is quoted as saying, 'Even if it did happen, so what?' Mr Wickham has had a very interesting past, quite frankly.

An honourable member: How much was he going to pay for the stud?

The Hon. S.J. BAKER: He was going to pay $9 million for the stud. Some people actually say nice things about Mr Wickham but say he cannot stop spending money, and I guess that is why he went bankrupt. Some serious issues have come out of this situation, and I do reflect on the Hon. Mario Feleppa, who made comments in another place about whether I had reflected on the Chinese community. I did nothing of the sort, and I would ask the Hon. Mario Feleppa to look at the statement I gave to the Parliament, which was totally accurate in terms of my dealing with Mr Wickham. I now have a whole file of information on Collinsville and it has been expanding from all the—

The Hon. M.D. Rann: Catch Wickham day.

The Hon. S.J. BAKER: Catch Wickham day—yes, if you are very quick; he is pretty slippery. It concerns me that someone with no credibility can receive the sort of coverage that this person has received. It would seem that his word has been taken as gospel and, in fact, his background would indicate that he is not a person of particular standing in the community, whether it be in Tasmania, Victoria or South Australia. But, I assure the House that the process is back on track.

HOSPITAL FINES

Ms STEVENS (Elizabeth): Will the Minister for Health explain why, and by what authority, his department has introduced stiff financial penalties for public hospitals which are late in providing paperwork to his department; and does this further imposition on hospitals at a time of severe budgetary cuts reflect his Government's real priorities in health care? The Opposition has received a copy of a letter dated 30 March 1995 from the Executive Officer of the Country Health Services Division of his department informing hospitals of the following:

> The South Australian Health Commission has been concerned at the lack of timeliness in the submission of MMSS [monthly management summary system] returns each month by health units.

The letter continues:

> In view of the importance of timely data for central budget monitoring and compliance with statutory reporting requirements, the Health Commission Executive recently approved a penalty system to apply from 1 July 1995 to health units that do not meet the designated time lines.

A list of penalties of up to $5 000 and $500 per day is then provided. The letter then states:

> Penalties will be levied at my discretion.

The Hon. M.H. ARMITAGE: I find it very interesting that the member for Elizabeth would allege or impute that we were in fact, as the Health Commission, doing the wrong thing by attempting to get information from the field. The reason I find that difficult to believe is that I do recall, as part of a series of questions relating to the Health Commission, the same member standing up and complaining because the information we were sending to the field, which required that information to come in in the first instance and us then to work on it, was too late. We can only provide the information when we receive it from the field. The Health Commission does not do the operation: it has no idea what procedures have been done, by whom, when, how many of them, and so on. The whole flow of information relies upon the timeliness of that information coming from the field.

I would emphasise to the House that, on the quotations from the letter read out by the member for Elizabeth, it would seem to me as if there was an expectation by the Health Commission Executive Director from Country Health Services Division that, in fact, managers in the field manage appropriately. There is no suggestion that they do not have a certain time to get this information in. Is the member for Elizabeth suggesting that, with a quarter of the State's taxpayers' money at stake, we allow the CEOs and boards of management of country hospitals to go about willy-nilly and not bother about providing information in a timely fashion? Is she really suggesting this? Quite clearly that is outrageous. This is taxpayers' money about which we are talking, and all that we are saying is that we require timely information. The whole question of penalties and budgetary restrictions and so on was potentially very well addressed by a caller recently interviewed on the Philip Satchell program. This caller said, among other things:

> Framing the budget is not easy, principally since the Federal Government started fixing its budget at the expense of the States.

Members interjecting:

The Hon. M.H. ARMITAGE: Wait sunshine, to quote you. The caller went on:

The last figures I had, South Australia was getting $400 million a year less from the Feds. That is double what the State Bank debt costs us to service.

The caller went on further:

The Hon. Frank Blevins interjecting:

The Hon. M.H. ARMITAGE: I apologise—it was a guest—even better. The guest went on:

If the State Bank was a disaster, then the Federal Government's financing arrangements have been a double disaster. They have been about twice as much as the State Bank cost us. The Federal revenue base has deteriorated because of their own actions. They have reduced income tax and corporate tax, like the three year obscene option of who can deliver the largest tax cuts. The consequence is there for all to see at the Flinders Medical Centre today.

We have had the Premier detailing how many of our budgetary problems are caused by a fall out in private health insurance, which is costing us up to $27 million annually, and we have the guest on the Philip Satchell show saying that basically the Feds have really sold us a pup and made it difficult and that the consequence of all of that is there to see at the Flinders Medical Centre today. The guest was the former Treasurer, the member for Giles.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

Mr WADE (Elder): I direct my question to the Minister for Industrial Affairs.

Members interjecting:

The SPEAKER: Order! The member for Elder has the call.

Mr WADE: Will the Minister inform the House of any steps to review penalties under the Occupational Health, Safety and Welfare Act? On 1 March the South Australian Industrial Relations Court fined a major South Australian employer, BHP, for unsafe work practices in relation to contract workers involved in an incident in 1991. In his remarks at the time of imposing penalties, the magistrate commented upon the inadequacy of the maximum penalties under the Act and in particular section 22 of the Act concerning contract workers.

The Hon. G.A. INGERSON: I thank the honourable member for his interest in this matter. His question puts again on the record the concern this Government has about occupational health and safety compared with the record of the previous Government. We have heard such a lot about how the previous Government talked about safety in the workplace, and I might add that members opposite are still out there talking about safety in the workplace. At least we have now been able to get the regulations through. It took nearly five years for the previous Government to get the matter to the stage of even being looked at and it took us just over 12 months to sort it out and get it in.

There are 55 codes of practice that have gone through with these occupational health and safety amendments, and of those 20 are new national standards in safety. Clearly this Government is interested in reducing workers' compensation costs by getting at the main problem, namely, safety in the workplace. We put in $2 million to ensure that the workplaces that have the worse records will be attacked.

As well as that, immediately on receiving advice from the magistrate that there were difficulties with some of the penalties, we wrote to the advisory committee saying that we wanted quick action in telling us how we should go about sorting out the penalties in this area. The $102 000 paid by BHP was a maximum fine. That accident was a tragedy; it is our view as a Government that that fine is not high enough for that sort of accident, and we intend to do something about it. Prosecutions under this Government will continue and we will take on any employers who are not prepared to ensure that their workplace comes up to the occupational health and safety conditions that every worker should expect to get in the workplace.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: It is interesting that the member for Giles should say that we opposed this area. I point out to the member for Giles that this Government has taken the matter to the advisory committee with the intention of clearly changing it if that is the advice, as I suspect it will be. The important thing about occupational health and safety is that, instead of talking about it as the previous Minister did, particularly in relation to money being put into the workplace to sort out difficult problems, this Government is the first Government in 10 years that has put aside special allocations to do something about it. We are proud of that record and intend to ensure that those workplaces and businesses that do not do the right thing regarding safety are brought to task.

WATER SUPPLY

Mr FOLEY (Hart): Will the Minister for Infrastructure categorically rule out further increases in water charges as a consequence of his plan to contract out the operation of Adelaide's water supply to a foreign company and, if not, why not? Yesterday's *Australian* reports Mr Nick Greiner, former Liberal Premier of New South Wales and present Chair of North West Water Australia, as claiming that householders and farmers were not paying enough for water. Mr Greiner went on to state, 'Water has been under priced and under valued.'

The Hon. J.W. OLSEN: I am pleased that the honourable member has asked me this question because what Mr Greiner has to say about water pricing in South Australia is totally irrelevant. As a result of the Audit Commission report, the Government has decided that the pricing of water, sewerage and other utilities and services in South Australia will be a matter for the Government to determine, not a matter for any private sector company or independent body of government to determine. I assure the honourable member that that will be part of the contract, and he will not have to worry about its being broken because we will insert it in the contract and the Opposition will not be in Government to change the contract for 15 years.

Members interjecting:

The Hon. J.W. OLSEN: Well, the way you are going, you have no hope of coming over here in the next 15 years.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The Government has clearly put down its position.

Mr Foley interjecting:

The Hon. J.W. OLSEN: Just to repeat the point to get it into the thick head of the member for Hart, I indicate that, first, there will be no asset sales; secondly, there will be no forfeiture of the price setting mechanism—that will be retained by the Government; and, thirdly, we will control the management, upgrade and maintenance program of our plant and equipment in South Australia. More importantly, let us look at the interstate experience in respect of savings. The changes that have taken place in Victoria have meant savings of 30 per cent across Melbourne on reticulation, maintenance,

digging up streets, burst mains, unblocking chokes and the like.

It is also well to note a press release put out by the honourable member last week about this matter. He climbed on the back of Mr Cole, who had made a statement. In fact, the honourable member put at the bottom of the media release, 'Contact John Cole from EMIAA', and gave a phone number. He probably wishes that he had not done that, given what Mr Cole had to say on South Australian radio. I will quote from the member for Hart's press release, and then I will quote what Mr Cole had to say in response to two components of the claim from the member for Hart. The member for Hart said:

> The Brown Liberals are hell bent on giving control of South Australia's water supply to foreign firms without giving an all-Australian company a chance to bid.

Mr Cole responded:

> There is no one particular company capable of addressing the operation of an entire water system for a city like Adelaide.

Mr Foley stated:

> The influential Environment Management Industry Association of Australia (EMIAA) has called on John Olsen to allow an Australian consortium into the short list to take over Adelaide's water supply. The EMIAA says the Brown Liberals should act to allow a fifth company to join that list—an all-Australian consortium.

Mr Cole responded:

> We accept that the Government of South Australia has a reform agenda, and we understand the imperatives of moving. However, it's not as simple, either, as just saying, 'We are trying to force a fifth bid.' We frankly aren't.

Mr Foley then stated:

> But John Olsen cannot just fob off these critics. He must explain why Australian firms are being frozen out of controlling our most precious resource—our water supply.

What did Mr Cole have to say about that? He said:

> I should say that we commend Minister Olsen for the strategy in terms of its overall goal. We don't have a problem with the goal of developing industry and economic development on the back of freeing up the water supply system in Adelaide. Everything that the Minister said there has no disagreement with us. I mean, over the assurances about the private sector's involvement in running these kind of services is shown internationally and, indeed, the efficiencies that will come from the private sector involvement in the Adelaide water system will certainly mean cheaper water and, hopefully, almost certainly improved services for Adelaide customers.

Mr ASHENDEN (Wright): Will the Minister for Infrastructure explain the Australian involvement now and in the future in the EWS outsourcing proposal? I ask this question because the editorial in today's *Advertiser* claims that it would be fair to give an Australian company the opportunity to pit itself against the best from abroad to manage the supply and treatment of water in metropolitan Adelaide.

The Hon. J.W. OLSEN: I thank the honourable member for his question because I want to pick up the theme that the Premier used in relation to intervention by Federal Ministers. This indicates the absolute hypocrisy of the Federal Government, with Ministers involving themselves in a South Australian issue, coincidentally, as the Premier said, the week after the by-election where the Federal Government got a great kick. Senator Cook had this proposal before him three months ago, but he did not raise it in the Senate or take a public profile on it until, coincidentally, a week after the Canberra by-election.

The fact is that an Australian consortium submitted a bid in phase 1 of the proposal. That was before Christmas. It was on the short list of seven. That short list was narrowed to a short list of four. That was because this proposal will see companies put in between $5 million and $10 million of expenses to undertake the bid process. The Australian consortium was not able to deliver on the key objectives that the Government wants to establish.

Senator Cook suggested to me that we put this on hold for a time to wait for another consortium to be put together. He mentioned that companies such as the Sydney Water Board would like to bid. I have news for Senator Cook: we are not about creating more business for the Sydney Water Board or for any company in Brisbane or Melbourne. We are about creating a water industry in South Australia, for South Australians, creating jobs in this State—not creating a branch office for some company based in the Eastern States of Australia. We will achieve that objective.

I refer to the hypocrisy of the Federal Government. It talks about wanting a global economy in Australia. But when it suits it, after the Canberra by-election, it starts focusing on this 'all Australian' theme—buy Australian. It says that it is a theme that we should adopt. The simple fact is that a consortium was considered: it did not deliver, it could not deliver and it did not get into the final phase.

In addition, there are 107 small and medium-sized businesses in South Australia whose capacity to link in with this prime contractor has now been documented. Each bidder will be required to involve local industry. We are creating an opportunity for at least 107 small to medium businesses in South Australia or those companies that are interstate who want to locate in South Australia to be part of the vehicle through the prime contract to access specific Asian market opportunities.

The Labor Government has been in office in Canberra for some 12 years. What has it done to establish a water industry in this country capable of taking on contracts of this nature? Answer: nothing. One can look at the environmental management of water in Germany. Along with the French, British and Americans, Germany has focused on the importance of the water industry. It is a bit late 12 years down the track for the Federal Government to say that we should be providing a vehicle for Australian industry in the terms that it wants rather than the terms that we want and the terms that are in the interests of South Australia.

Let me take it one step further. Does anyone seriously suggest that we should not have General Motors-Holden because it has an American base, Mitsubishi because it has a Japanese base or Orlando Wyndham because it is majority owned by the French and therefore we should not drink Jacobs Creek? For goodness sake, these companies are big employers in South Australia. They are international players based outside South Australia with employees in South Australia. At the end of the day, that is exactly what we will have with this new water industry: a new industry in South Australia and jobs for South Australians.

Mr Clarke interjecting:

The SPEAKER: Order! When the Deputy Leader of the Opposition stops interjecting, the Chair will call the member for Hart.

Mr FOLEY (Hart): My question is again directed to the Minister for Infrastructure. Is the—

Members interjecting:

The SPEAKER: Order! The member for Wright is out of order.

Mr FOLEY: —Minister concerned about recent statements by a spokesman from the firm North West Water that his company's overseas expansion was driven by the search for unregulated sources of revenue in the wake of recent attempts by the British regulator to clamp down on price rises? A *London Times* article of 27 February this year quotes Mr Stephen Humphreys of North West Water as follows:

> We remain convinced that expanding overseas is the right thing to do in view of the need to build up earnings that are non-regulated. It is an opportunity to build up a substantial stream of earnings which are not under the threat of the whims of the regulator.

The Hon. J.W. OLSEN: The member for Hart is obviously a very slow learner. The first question he asked was in relation to what Mr Greiner had to say. Now we have someone from overseas saying the same thing. The fact is that we have learnt from the UK experience. This is not privatisation; we are not selling any assets; and we are not forfeiting the right to set prices for water and sewerage in South Australia. The Government of the day will set those prices—not the private company. So, the honourable member's question and the imputation it contains are totally irrelevant. We know exactly what the Opposition is on about: it is trying to muddy the waters and create the fear that this private contract will mean an escalation in prices. It is quite the reverse. We have said to the prime contractor, 'No savings, no industry development, no deal.'

Members interjecting:

The Hon. J.W. OLSEN: The member for Hart should just pause. He will see this contract in the fullness of time, and he will have to eat a little more humble pie when he sees the outcome. The simple fact is that this will have maximum South Australian industry involvement, and South Australian consumers will be protected from price increases and escalations. As a result of this Government's clear policy, we will reduce the cost of operating utilities in South Australia to keep the cost of water and sewerage to consumers below that in other States in Australia to get a competitive advantage in business and to establish a better living environment and a more secure future for South Australians because of a lower cost of water and sewerage.

STATE ECONOMY

Mr ROSSI (Lee): I direct my question to the Premier. Do the latest indicators point to continuing growth in the South Australian economy during 1995?

The Hon. DEAN BROWN: I heard the Deputy Leader of the Opposition on radio this morning. I thought it was comic. I think we refer to the Deputy Leader of the Opposition as Mr Doom, and we have the Leader as Mr Gloom. As a pair they are trying to knock every development that takes place in South Australia. They knock Wirrina and every other attempt by this Government to attract new industry to this State. As we have just heard with the water industry, they are trying to knock what we are doing to bring a water industry into South Australia; they have been knocking our attempts to establish an information technology industry in South Australia—

Members interjecting:

The SPEAKER: Order! The member for Peake is out of order.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! Question Time started in a very reasonable way this afternoon and the Chair will ensure that it continues. I suggest to all members that they cease unnecessary interjections, otherwise they will all understand Standing Order 137 a lot better. Certain members have been warned and named, but they appear to take no notice of the tolerance of the Chair. Tolerance will no longer be afforded to any member.

The Hon. DEAN BROWN: I understand the sensitivity of both the Leader of the Opposition and the Deputy Leader of the Opposition on this issue, because they come into this House day after day and knock every development that this Government puts forward. If they looked at the figures, they would see that on a whole range of parameters South Australia is well ahead of the national average. I suggest they look at things such as retail sales, where the annual growth rate is 8.8 per cent up on the previous year and 2 per cent ahead of the national average. Over a three-month period we have had a growth rate in new car sales of 13.5 per cent. In terms of job creation, we are ahead of the national average—the South Australian figure is 4.5 per cent, and the Prime Minister himself was boasting that he had achieved a national average of 3.75 per cent. I had to remind him that the figure was 4.5 per cent in South Australia and that we were well ahead of the national average.

I find it particularly galling that the Deputy Leader of the Opposition knocks what we are achieving here in South Australia when we know that the State Labor Party has deliberately stopped any amendments to the WorkCover legislation. There can be no more important piece of legislation to create jobs here in South Australia. The Labor Party in this State has now surrendered any right whatsoever to talk about credibility in job creation. We know it lost 35 000 jobs in the last two years that it was in government. We know that the now Leader of the Opposition was in charge of that very important area and that he lost those 35 000 jobs. We also know the extent of his lack of success in luring tourism attractions to this State.

The Opposition has finally put the last nail in its coffin. Before the last election the Labor Party promised South Australians that if it were elected WorkCover premiums would be 1.8 per cent. However, it has opposed every amendment to the WorkCover legislation. In doing so, they have forever surrendered their rights to talk about job creation on a pragmatic basis in this State.

CORONIAL INQUIRY

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Health assure this House that he will not seek to claim Crown privilege to prevent his being subpoenaed successfully to appear personally before the coronial inquiry into the HUS epidemic to explain why he did not use his powers under section 25 of the Food Act to ban the sale of suspect meat products?

The Hon. S.J. BAKER: On a point of order, Sir—

The SPEAKER: I think the Chair was coming to the same conclusion as the Deputy Premier.

Members interjecting:

The SPEAKER: Order! I do not know what the member for Spence thinks is funny. I understand that this matter is currently being investigated by the Coroner, and I wish to seek some advice before allowing the question to continue.

The Hon. S.J. BAKER: I did have two points of order, Sir. The first related to the status of the coronial inquiry and the second to the extent to which this is a hypothetical question.

The Hon. M.D. Rann: We will see how hypothetical it is.

The SPEAKER: Order! The Chair is prepared to allow the question because it seeks information as to whether the Minister is prepared to appear. However, I will not allow the Leader to canvass the general issues that the Coroner may be dealing with.

Mr LEWIS: It occurs to me that there is yet another serious implication in the question, which I raise as a point of order, and that is the use by the Deputy Leader of the word 'mislead'. It is a question of 'When did you stop beating your wife?' in context. I believe that is out of order because it imputes that the Minister did mislead the Parliament. He cannot answer it—

The SPEAKER: Order! The Chair is not particularly sure what is the basis of the point of order that the member for Ridley is raising. Therefore, the Chair cannot uphold the point of order. The honourable Leader.

The Hon. M.D. RANN: On a point of order, I did not actually use the word 'mislead'.

The SPEAKER: Order! That is not a point of order. The honourable Minister for Health.

The Hon. M.H. ARMITAGE: When the matter of the coronial inquiry was first mooted, the Leader of the Opposition ranted and raved about how this was not an independent inquiry.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader has asked his question.

The Hon. M.H. ARMITAGE: Clearly, the Leader of the Opposition does not believe that the Coroner is independent, because he resisted so strongly the suggestions that the Coroner would be an independent source of investigation of this human tragedy.

The Hon. M.D. Rann interjecting:

The Hon. M.H. ARMITAGE: The Leader of the Opposition interjects that he did not: we will look at *Hansard*. I am only too happy to do that. The Leader of the Opposition firstly believed that the Coroner was not going to be independent; now he seems to be attempting to tell the Coroner how his inquiry ought to be run, which witnesses he ought to call before him, and so on. Quite clearly, if a subpoena is put out, no-one is able to resist that: it is as simple as that. The fact remains that the Coroner—

The SPEAKER: Order! There is too much conversation.

The Hon. M.H. ARMITAGE: —has not made that request, and I am surprised that the Leader of the Opposition would be appearing to tell the Coroner how to run his own business.

The Hon. M.D. Rann: You are in big trouble.

The SPEAKER: Order! I suggest to the Leader of the Opposition that those comments were unnecessary.

PRISON INDUSTRIES

Mr BASS (Florey): Will the Minister for Correctional Services advise the House of the progress on the Government's promise to establish new prison industries and what employment opportunities will arise for prisoners?

Mr ATKINSON: On a point of order, Mr Speaker, I believe there is a question on notice on exactly that point.

The SPEAKER: I ask the honourable member, which question?

Members interjecting:

The SPEAKER: Order! I suggest to members that, if they want Question Time to continue, they should conduct themselves in a more appropriate manner. I call the member for Colton whilst the Chair checks the matter raised by the member for Spence.

PATAWALONGA

Mr CONDOUS (Colton): Will the Minister for Housing, Urban Development and Local Government Relations clarify the funding commitment for the clean-up of the Patawalonga and the status of the project? Recent media reports have indicated that the Federal Government has decided to block its funding for the Patawalonga clean-up.

The Hon. J.K.G. OSWALD: I am very pleased to be able to address this question and put on the public record the status of the project at Glenelg. Statements in the media last week, put out by the Australian Democrats from Canberra and by the Henley and Grange Residents Association, have led many people in Adelaide to believe that the Federal Government has supported the residents of Henley and Grange in persuading the Commonwealth to block the funding for the Patawalonga clean-up. I find absolutely amazing that there are forces in this State that would even suggest that it is desirable for us to stop the project at Glenelg and the clean-up.

For the public record, I make very clear that the Federal Government has not frozen the Better Cities funds for the Glenelg catchment or, in fact, for the whole of the Patawalonga catchment. On the contrary, the Federal Government is well aware that the Patawalonga is a most significant urban redevelopment, particularly as it applies to an environmental project that is being funded by the Better Cities money. The Commonwealth has put its position very clearly in a press release issued from the Deputy Prime Minister's office yesterday, and I do not think it could have set out more clearly that it strongly supports what is happening in the Patawalonga clean-up. The Commonwealth has not interfered in any way with the proposed dredging of the Patawalonga. Dredging, as we all know, is subject to environmental impact assessment for the treatment of the dredged materials, and the office of the EPA has already given it a tick.

The Better Cities agreement between the South Australian Government and the Commonwealth requires a total catchment plan to be developed. This has been the requirement from the outset: there has never been any variation to or diversion from that plan. It has always been our intention to ensure that there is a total catchment management plan, and that will proceed. Whilst on the matter of the dredging of the Patawalonga, I point out that the Government will announce today that the Adelaide based construction company Bardavcol Pty Ltd is the successful tenderer and has been invited to undertake the works to dredge the Patawalonga and to repair the edging treatments around the perimeter of the lake. We expect these works to commence sometime this month. In fact, the dredge (which is owned by the subcontractor Hall Contracting) has already been assembled and is in the final stages of being manoeuvred and tested so that work can commence shortly.

It is worth putting on the record that this is a significant achievement. There has been considerable discussion over many years to bring this project to fruition. The appearance of the dredge and the promise that this Government has been making, that we would start work in April, demonstrate that

when we say we will deliver, we will deliver, and this project is right on schedule.

The SPEAKER: Order! I uphold the point of order taken by the honourable member for Spence in relation to the question asked by the member for Florey. The second part of question 187 on the Notice Paper is virtually identical to the question regarding the information sought by the member for Florey.

POLICE RESOURCES

Mr QUIRKE (Playford): My question is directed to the Minister for Emergency Services. What is the authorised staffing level of the Police Force and what is the actual strength? I have been informed that, following a request to the Commissioner of Police from the Police Association for the authorised staffing level of the force, the Minister intervened and instructed the Commissioner not to provide the information.

The Hon. W.A. MATTHEW: Last time the honourable member stood up in this House and asked a question it was on behalf of the ambulance union. It left him in the lurch. Today, it would seem as though the Police Association has left the honourable member in the lurch, if I heard him correctly and if that is where he is obtaining his information.

I am happy to advise the House that at the time we came into government, as at 13 December 1993, the staffing figure for sworn police officers was 3 608 and as at 9 March 1995—the most recent figure I have available—there were 3 616 sworn police officers. Therefore, there are more sworn police officers now than there were when we came into office.

Further to that, and despite the fact that now there are eight more sworn police, many more operational police are on the beat. The reason for that is simple: to date, as a Government, we have identified 404 police positions which undertake no operational policing duties. Those positions have involved officers sitting behind desks and undertaking mechanical duties or working as carpenters, guards or drivers—404 uniformed police who were not undertaking any police duties at all.

The honourable member may recall that, prior to coming into office, the Liberal Party put out a policy stating that there would be 200 additional operational police in place by the time our first term of office was completed. We indicated that those additional operational police resources would be through a mixture of redeployment of officers behind desks and additional recruitment. I can advise the House that we can achieve that promise without any additional recruitment because, regarding the 404 police who were behind desks and who have been identified so far—and we suspect that there are more—the number of people who have been sworn in as police and who are not performing operational duties is far greater than we had anticipated prior to coming into office.

It is often said in the department that, during the time the Labor Party was in government, anything that moved was sworn into the Police Force and, if the Labor Party could have sworn in the mounted cadre—the horses—and the dogs, it would have sworn them in, too, just to fudge the numbers. What this Government is doing is not misleading the public, not blatantly lying to the public about police numbers as did the previous Government, but bringing those numbers up front.

The Hon. M.D. RANN: On a point of order, Sir. The Minister used the word 'lie' when referring to parliamentary colleagues. If I were to use that word against the Government of the day, I would be ruled out of order and named.

The SPEAKER: Order! The Chair's understanding is that the Minister was referring to members of the previous Government. Therefore, he has not directly referred to any individual. However, it is the view of the Chair that it is unwise and unnecessary to use that term in answering questions or in debating any issue in the House, and I suggest to the Minister that he withdraw it and use a different term.

The Hon. W.A. MATTHEW: Thank you, Mr Speaker. I am quite happy to withdraw it and replace it with the word 'misleading' or the term 'manipulators of the truth'. Whatever the situation, the fact is that the previous Government did not level with the taxpayers of South Australia as to how many police officers it had on the beat. The previous Government swore in people who were undertaking duties which were not remotely connected with policing to make it look as though there were more police than there actually were. What the public will get from this Government is how many people there are ultimately on the beat.

I understand why the Police Association has contacted the honourable member, and I am happy to share with him the reason. The Police Association is concerned that, as we have now identified 404 more people and as this Government has indicated that it will put 200 more police on the beat, this could leave a 204 surplus. In the eyes of the Police Association, that could mean that this Government could reduce by 204 the number of people sworn in as police while still providing 200 extra operational police, and that will affect its union revenue—the income.

The process of budget is being undertaken at this time and I do not know how the final equation will come out. However, we are committed to those 200 more police on the beat. Far from denying the Police Association access to figures, it can have those figures: if it calls me, I would be happy to release them. I would have thought that, if the Police Association, as it claims, does have 99.9 per cent of police as members, it would know the answer to the question anyway.

BETTING COMMISSIONS

Ms WHITE (Taylor): My question is directed to the Minister for Recreation, Sport and Racing. Following amalgamation of the South Australian and Western Australian TAB's quinella and trifecta pools, does the Government intend to increase the commission on the quinella pool from its current 14.5 per cent to 20 per cent and, if so, how will the Government prevent large South Australian punters from defecting with their investments to Eastern States TABs where Government deduction percentages are lower?

The Hon. J.K.G. OSWALD: That subject is actively under discussion at the moment between the TABs in Western Australia and South Australia. To my knowledge a decision has not yet been taken as regards the figures to which the honourable member refers. The TAB Chairman is coming to see me either tomorrow or Friday and I expect to receive further information from him. I believe that there are difficulties in coming to an agreement but, as soon as I have had a briefing from the TAB and as soon as the matter has been resolved, it will be announced publicly, and I would be happy to brief the honourable member on the response. In summary, my best advice is that a decision has not yet been taken.

LIVESTOCK SALEYARDS

Mr BUCKBY (Light): Will the Minister for Primary Industries explain what plans the Government has for the redevelopment of the existing livestock saleyards complex at Gepps Cross?

The Hon. D.S. BAKER: I thank the member for Light for his question and interest in this matter. There is a little history to this: in 1985, SAMCOR management disposed of the old sheep, lamb and pig yards to Adelaide Produce Markets Ltd, and that meant that those yards did not have the maintenance spent on them which they should have had. I cannot find a yellow sticker from the member for Hart's documents which shows that anything was done to get a new selling complex for livestock producers in South Australia.

In fact, there were two proposals: one was in the former Premier's electorate, and that was promptly knocked on the head; and another was next door to the salt fields, and that fell over through want of Government support or encouragement. During the past few weeks discussions have been taking place with the Adelaide Produce Market Ltd for it to become involved in a joint venture which would include the land that it owns, which currently includes the sheep, lamb and pig yards complex, and land that is owned by SAMCOR (in other words, the State Government) where the present cattle yards are situated.

At present, Adelaide Produce Markets Ltd has a great interest in pursuing that joint venture and in running and upgrading a new saleyards complex. Already discussions have taken place with three other Ministers to make sure that the environmental as well as the planning aspects are looked at. Adelaide Produce Markets is looking to become involved in this joint venture and to take over the running and upgrading of the saleyards complex at Gepps Cross. If that occurred, that facility would be owned and run by it commercially, as are the other major selling complexes in South Australia, particularly those at Mount Gambier, Millicent and Naracoorte, which are all run profitably.

Without much encouragement from the previous Government—in fact, no encouragement at all—the complex has degraded into something which, quite frankly, is a disgrace. Hopefully, we can get this joint venture arrangement going and, with all parties working towards that, once again South Australia may have a complex where our primary producers will be able to market their produce in the interests of all South Australians.

GAMING MACHINES

Mr QUIRKE (Playford): Will the Treasurer insist that any gaming machines at facilities on FAC land will comply totally with the South Australian Act? The bottle shop at Parafield has consistently opened on Good Friday each year despite South Australian legislative requirements to the contrary. Pubs and clubs in the northern area are concerned that the State tax, the 40 machine limit and essential monitoring will not be a feature of proposed facilities on FAC land at Parafield.

The Hon. S.J. BAKER: This is an interesting dilemma. The Commonwealth Government has proprietary rights over its properties and, in legal terms, the South Australian Government has no right of intervention except in exceptional circumstances. We have not been able to have any say regarding poker machines on the east-west—the Indian Pacific—express, on the Australian National line, or at the Woomera facility, and we have little say regarding the Parafield facility. Agreement has been reached between the FAC and the Liquor Licensing Commissioner that the standards relating to machine operations will be consistent as between those governed by our legislation and those sited at Parafield.

We cannot place restrictions on their operating hours as such; in fact, we cannot place any restrictions on their operations, as every member of this House would be well aware. However, we have said, 'If you are going to operate it must involve the same areas of supervision, and regarding the issue of taxation you cannot have a marginal advantage because you do not charge tax at the same rate; you must have at least the same tax rate as us.' So, they have to pay the 4.2 per cent tax to the Commonwealth Government, not to us. They also must be subject to monitoring by the IGC. In all respects, the Government is saying that those machines should operate with no special advantage over any other operator.

Mr Quirke: With 40 machines?

The Hon. S.J. BAKER: Yes, 40 machines again—the same operation. We have had agreement from the FAC regarding that set of rules, but as the honourable member would appreciate that is as far as we can go; we cannot govern their hours of operation.

PUBLIC SECTOR SICK LEAVE

Mrs HALL (Coles): Will the Premier inform the House of the latest trends in public sector sick leave?

The Hon. DEAN BROWN: Sick leave figures for the public sector in South Australia for the first six months of this financial year (July to December 1994) are now available. The figures are good. Average sick leave for the six month period on a full-time equivalent basis is 3.1 days. That is a 6 per cent reduction on the same period 12 months earlier. So, there is a significant downward trend: the year before was lower than the previous year under the previous Administration. It would appear that on a full year basis we can expect an average sick leave rate across the whole of Government of about 6.3 days per full-time equivalent. That compares with the average for the whole of South Australia of 10.8, so Government is well ahead of the average for South Australia. I think that is an outstanding figure, and I say to the public sector employees of South Australia, 'Well done.'

THE PARKS REDEVELOPMENT

Mr De LAINE (Price): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. During the first stage of the Housing Trust redevelopment project, which is soon to take place in The Parks area, what measures will the Government take to house the affected 200 families while their existing houses are demolished and until their new homes are completed?

The Hon. J.K.G. OSWALD: Whenever the Housing Trust undertakes a redevelopment, it works through a series of consultation processes. First, we sit down and discuss the project with local residents and explain the implications to them thoroughly. We then find out who wants to move and who wants to stay and seek places to which to relocate those residents. The process is then set in train. It is true that the Housing Trust is interested in developing many areas around The Parks. At the moment, we are involved in a public consultation process identifying those people who are happy

to stay. If people want to move, the trust will relocate them. They will then be given the option of either staying in those relocated houses or returning to the new properties at The Parks. That is a matter for discussion with each tenant individually, and the tenants' wishes will be respected.

MEMBER'S LEAVE

Mr MEIER (Goyder): I move:

> That two weeks leave of absence be granted to the member for Hanson (Mr S.R. Leggett) on account of ill health.

Motion carried.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL AND INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The Hon. S.J. BAKER (Deputy Premier): I move:

> That the sitting of the House be continued during the conferences on the Bills.

Motion carried.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

The Hon. M.D. RANN (Leader of the Opposition): Today, I want to call on the Minister for Health personally to appear before the coronial inquiry into the HUS-Garibaldi matters and also to release the information requested under FOI, which includes documents relating to this health epidemic that occurred earlier this year. On 8 February 1995, the Premier stood in this House and called me 'a squealing little rat' for daring to raise questions about the Minister for Health's handling of the HUS tragedy. He called me 'a squealing little rat' for asking why the Minister for Health did not use section 25 of the Food Act to ban, prohibit or outlaw the sale of the suspect products, which he clearly had the power to do.

Following an extraordinary ministerial statement and accusations by the Minister for Health on 9 February 1995, I wrote to the State Coroner assuring him that the Opposition had not at any stage called into question the independence of any coronial inquiry. The Coroner wrote back to me on 20 February 1995 thanking me for our bipartisan support for his investigation and for my offer of cooperation. He said:

> I assure you that I have never been aware of any suggestion by the Opposition that my investigation into this matter could be other than independent.

So much for the reply given today in this House by the Minister for Health. On 9 February, the Opposition lodged a request under the Freedom of Information Act for copies of all documents, including correspondence, reports and advice to the Minister in relation to the HUS epidemic. This epidemic was one of the worst to occur in Australia and is a matter of considerable public importance following the tragic death of Nikki Robinson on 1 February as a result of HUS. On 24 March, the Chief Executive Officer of the Health Commission responded to the FOI request by saying that the Coroner had served a warrant to obtain and remove all documents and that, therefore, he was unable to grant access to the documents under FOI.

I had been informed earlier by telephone by a legal officer for the Health Commission that I could not get the documents until after the Coroner had completed his inquiry. He said that the documents had been handed over to the Coroner that day. But what about the copies of the documents? This, of course, raises the very important question of non-disclosure under the Freedom of Information Act and whether the Coroner's warrant excludes access by other parties and is a valid reason for non-disclosure by the Minister for Health. Why will not the Minister for Health in this State release all the documents relating to the HUS tragedy? Clearly, the Health Commission refused to supply the documents requested and, as the Opposition has good reason to believe that the commission retained copies of all documents given to the Coroner, the non-disclosure has now been referred to the Ombudsman.

The Ombudsman (Mr Biganovsky) is now investigating the Minister for Health's refusal to comply with the Opposition's FOI request. In Question Time today I asked the Minister if he would be prepared to personally give evidence before the coronial inquiry on the question of the exercise of his powers under the Food Act. This would obviously assist the process of public disclosure and the inquiry into the circumstances that led to Nikki Robinson's death. The House will recall that on 8 February the shadow Minister for Health asked the Minister why he failed to take decisive action under the Food Act to prohibit the sale of contaminated meat products at retail outlets when it became clear that Garibaldi's recall was not effective. The Minister's own chronology of events released on 2 February revealed that on 30 January, seven days after the cause of the outbreak had been identified, public health officials raised concerns that not all contaminated products had been removed from retail outlets. The Minister responded by reassuring the Parliament:

> First, we have done everything that was appropriate; secondly, we have done everything that was necessary; thirdly, we have taken action in the appropriate time.

On the issue of whether the contaminated product remained on sale, the Minister told Parliament:

> We have heard countless tales of that, but we also have countless examples where people have rung the Health Commission and said at various times since 23 January that there have been Garibaldi mettwursts on sale. On checking, and I know of a number of examples of this, by the Health Commission officers with retail outlets, it was found that those products were cooked Garibaldi products or totally different products altogether.

I call on the Minister for Health today to personally appear before the coronial inquiry and explain to the community how and why he did not use section 25 of the Act. He must not resort to using Crown privilege to explain his actions and the advice he received.

Mr CAUDELL (Mitchell): It is most interesting that the Labor Party takes such a great interest in health issues. It was even more interesting to note the presence of certain people when recently one evening I attended the annual general meeting of the Inner Southern Community Health Service at the Marion Council Chambers. When I arrived I thought I had turned up at the wrong meeting. I thought I was attending an ALP branch meeting, because there in attendance at this meeting were Mr Bruce Hull, Secretary of the Elder Branch of the ALP; the ALP candidate for Boothby, Ms Joan

Herriman; the Independent Labor candidate for Hanson; Party officials whose photographs were on the brochures for the Mitchell ALP candidate; the people who were doing the letterbox drops for the Boothby ALP candidate; Ms Gillian Archer; and Friends of Community Health (later called Save Our Community Health Inc. and now called Save Our Community Health Inclusive). There was an apology from Ms Lea Stevens, member for Elizabeth. But, at the end of the apologies, I was heartened to see that it was obviously a bipartisan affair because the fairies from the bottom of the garden were also there.

Mr Becker interjecting:

Mr CAUDELL: Obviously the Democrats. Later on they had a variety of things to say about this annual general meeting when they were addressed by Ms Lyn MacDonald, who was putting forward certain views, one in particular being, 'How good it was when this community health service was set up by Gough Whitlam—we had all that money and we didn't have to account for it like we do today.' Obviously, the whole tone of events that had occurred in connection with the 20 years of community health was the fact that there was to be change and that they were against the change that was to occur. They were complaining about the fact that no longer would there be community representatives. It is no wonder that we are not going to have the community representatives they put forward, because no-one in the south-western areas of Mitchell wants to put up with community representatives who are basically from the Elder and the Mitchell branches of the Australian Labor Party.

But then later on in the speech by Ms Lyn MacDonald, a board member of Inner Southern Community Health, for the first time Inner Southern Community Health comes out in opposition to the third arterial road. It was amazing, because the third arterial road has basically been in the concept and drawing board stage since 1990, and even prior to that when it was promised by the previous Labor Government. At no stage did any person or board member who was present from Inner Southern Community Health—Mr Hull, the candidate for Boothby (Ms Joan Herriman), Gillian Archer, or even Lea Stevens—complain about the third arterial road from 1989 through to 1993. For some unknown reason—because of a change of Government—suddenly Inner Southern Community Health wants to put the third arterial road on the agenda.

Then they mentioned the issue of trading hours. For some unknown reason, Inner Southern Community Health wanted to talk about trading hours in shops, yet the trading hours involving 99.9 per cent of the traders in the electorate of Mitchell have not changed at all. As I said, they mentioned how good it was regarding Gough, but then they went on to say how they have had cuts to their budget for Inner Southern Community Health. I then had a look at the annual reports for the last five years for Inner Southern Community Health and noticed in the 1994 annual report it had spent $1 239 000. I then had a look at the report for 1990 and it had spent $824 000. So, despite an increase in that period of $400 000, they were complaining about losing $90 000.

However, they made no mention of the future. At no stage did any of the board members mention that this Government had approved the establishment of a community health centre in the Marion triangle that would improve the facilities for health care and for the youth project system in the electorate of Mitchell. At no stage did they mention that the Marion youth project would have permanent facilities available to it which had never been provided by the previous Labor Government. All they wanted to do was put their claws into all those issues that had been put forward by this Government. All they wanted to do was knock.

The SPEAKER: The honourable member's time has expired. The honourable member for Hart.

Mr FOLEY (Hart): I wish to refer to two issues in my constituency that are very important to both myself as the local member and, of course, to my constituents. First, I refer to the future of education on Le Fevre Peninsula. There are a number of rumours rife within my community about the future of the primary and high schools in my electorate. I was concerned to receive a response from the Minister for Education when I wrote to him concerning the future of the Largs North Primary School, but I asked the general question, 'What of the future of primary schools and high schools in my electorate?'

The Minister wrote back to me only two weeks ago. Briefly, what he said in that letter was that the Government is considering options for the future of education in my community and that the current district superintendent of education plans to continue discussions with Largs North Primary and adjoining schools with a view to commencing a formal review later this year. Having been around Government for a while, I can pick bureaucratic intention through some of their wording, and quite clearly what is coming through is that there will be a reduction in the number of primary and/or high schools in my electorate over the course of this present Government.

Members interjecting:

Mr FOLEY: Members opposite have confirmed my fears. They have let the cat out of the bag. They have confirmed my fears, with the very senior and highly respected member for Ridley confirming in the Chamber that, yes, schools will be closed in my electorate. That comes as a great shock to me. I did not expect that I would have confirmation of my fears so quickly. I had better step up my protest to the Minister for Education—and perhaps I will start as soon as I complete this contribution.

Clearly, the future of the primary and high schools in my electorate are of great concern to all my residents. It is not good enough for the member for Ridley to make light of the fact that he and his colleagues intend to close down schools in my electorate, because the working people of my electorate deserve better than that, and they can be assured that I will fight for the future of Ethelton Primary, Largs Bay Primary, Largs North Primary, Taperoo Primary, Taperoo High School, Le Fevre Primary and Le Fevre High School. All the schools in my electorate will be well represented when this callous Government starts to close schools. The other issue I want to raise briefly is the current lack of lighting on a main arterial road in my electorate—the Lady Gowrie Drive or the Esplanade. My constituents deserve to have this main arterial road lit.

Members interjecting:

Mr FOLEY: Members opposite say, 'How long?' This main arterial road has been without lighting for far too long. I want the Government to make this main arterial road in my electorate a priority and put in place adequate lighting. It is not good enough for the Government to only address the concerns of transport needs in its marginal seats down south. It is also important that it look after the Labor electorates because, whilst they did not vote Liberal, they certainly should be afforded the courtesy of receiving fair treatment. Whether Governments of the past supplied adequate lighting

to Lady Gowrie Drive is not the question. I want this Government to address the issue, and I want this Government to apply the same commitment to transport in Labor electorates that it does in its marginal seats, because the good people of Le Fevre Peninsula deserve to have Lady Gowrie Drive well lit. In this day and age to have a major State arterial road unlit at night is totally unacceptable. I am sure all members would concur in that view.

Mr Lewis interjecting:

Mr FOLEY: Again the senior and highly respected member for Ridley says that my electors should not have lights on their main arterial road. What further contempt the member for Ridley shows for my electors.

Mr ANDREW (Chaffey): The member for Hart should well know that, if he has the numbers in the schools in his electorate, they will be more than adequately and fairly treated in terms of the education service that will continue to be provided throughout the whole State. I rise today to report on progress in the Riverland in respect of the proposal for a bridge over the river near Berri. I place on record an overview to the submission put to the Government via the Minister for Transport, to whom I introduced and supported a delegation on 24 March. As this is the first opportunity since Parliament has sat to report on that, I am pleased to do so. The need and justification for a bridge at Berri is well documented, and I particularly thank the Premier for his public comments of in principle support for the project when he visited the Riverland with me last Friday.

This specific submission is a proposal for a bridge over the Murray River at Berri under the BOOT (Build Own Operate and Transfer) Scheme, the guidelines being set down by the EDA (Economic Development Authority) for private sector provision of public infrastructure in this State. Although the design, engineering and financial options were proposed by Built Environs Pty Ltd, the proposal was presented as a partnership agreement and was additionally prepared by a group of proponents including the District Council of Berri, the District Council of Loxton, the Riverland Development Corporation, the Gerard Reserve Council and the Aboriginal Lands Trust.

I congratulate all those groups concerned for their work, commitment and preparation for more than 12 months and also for the exceptional calibre of the presentation of their submission—a submission which overall was aimed at producing a proposal that would build a cost effective bridge, while at the same time satisfying the needs of all interested parties. The objective of the proposal was to satisfy three major criteria: first, that there must be general community, Aboriginal community and statutory authority support for the bridge. It must be strong and unanimous support, and this was evidenced in the submission presented. Secondly, that the annual cost to the State for the provision of the bridge should not exceed the current costs of running and owning the existing ferry service operating at Berri. Thirdly, that the Government should be able to purchase the bridge in a reasonable period at the same annual rate of expenditure as required to operate the ferry service at Berri.

While acknowledging and without threatening the confidentiality of the submission on the agreement, from the figures presented in the submission I believe the proponents have more than ably met all three objectives, and specifically in respect of the financial objectives. The fact that there was an independent third party reassessment of the current Berri ferry operating costs, in conjunction with the Department of Road Transport, has served to further justify the already strong case for the funding of a bridge at Berri—a case which last year was positively assessed by the South Australian Centre for Economic Studies—an assessment on which I have already reported.

The current proposal is unique in that it is one of the first of its type to seek to satisfy the criteria for a project under the project exclusivity guidelines of the BOOT scheme on the basis that the work and the agreement already achieved will in itself be a significant cost saver to the Government. I particularly thank the Minister for Transport and the executives of the Economic Development Authority, with whom the delegation also spent considerable time in presenting its submission, for their offer, together with their departments, to cooperate in a coordinated assessment of this project. The degree of cooperation and support that has come from all groups in presenting this submission has been absolutely unique. It has been of single-minded resolve not to let trivial impediments get in the way but to address all the real issues that need to be met to achieve a project such as this. The Riverland has been encouraged by the response of the Premier and particularly his indication publicly that Cabinet is considering the overall project in general, and particularly his personal indication of accepting the need of the principle of the proposed bridge.

The ACTING SPEAKER (Mr Bass): Order! The honourable member's time has expired. The member for Elizabeth.

Ms STEVENS (Elizabeth): I want to take a few minutes to revisit the master stroke of absurdity from the Minister for Health in relation to the fining of health units because they do not get their paperwork into the Health Commission on time. It is quite amazing. This really takes the cake. I will revisit some of the things that have happened over the past year that lead me to that conviction.

Members interjecting:

Ms STEVENS: I will give you my suggestion, if you will just listen. First, last year Casemix was brought in too quickly, without preparation, without systems in place, without staff trained and without hospitals prepared. Step one: do it properly, do it carefully, do it over time and manage it. Secondly, the hospitals started on their Casemix budgets and increased their activity levels, and then in November they found out that, at the end of September, the through put bonus pool had run out. They found out three months late from the Health Commission. Later, having to completely reverse their strategy in order to make their budgets balance, they were waiting for the figures from the Health Commission for the first three months of the financial year—July, August and September. They got those figures on 10 December—another three months late. In January they realised that there were errors in those figures, so the figures that were three months late were also wrong and they had to go back and be changed by the Health Commission again.

So, we have the hospitals and health units of this State wondering whatever next will come from the Health Commission, which never seems to be able to get it right. What has been happening in the health system is not because the hospitals and health units have been late getting figures back but because everything is in such a mess that they do not know what to do. They have no figures on which to make their projections or to plan services.

How amazing that the Health Commission is now telling the health units that they have to lift their game and get their

paperwork in on time and, if they do not, they will be fined. How many departments would do that? What a way to treat your workers! What a way to get the best out of people when you are the one that has caused the mess that they are in! I find it amazing that, when he answers the question, the Minister does not condemn that action but simply talks about how important it is to get data in on time. It is important to get data in on time, but it is important for everybody to get it in on time. It is especially important for the Health Commission to provide its units with the data on time.

What is important is to get balance and to get the priorities right. Across our health system the hospitals are on their knees. The Flinders Medical Centre has suffered huge cuts to patient services and has stated that it will treat 3 700 people fewer in the first six months of this year and has a budget overrun of $5 million. The Queen Elizabeth Hospital has a budget overrun of $11 million. The Women's and Children's Hospital has a budget overrun of $1 million, and so it goes on. While our hospitals are reeling, struggling with Health Commission rules, regulations and the Casemix system, which is in a mess, they will be fined up to $5 000. If they are not able to produce the figures in the required number of days, they will be fined $500 a day. I wonder how long it would take to reach the $50 000 that would enable the dialysis patients about whom I spoke in Question Time to get their correct treatment. This Government's priorities in the health system are completely upside down. Let us worry less about bureaucracy, numbers and economic rationalism and think more about patient health and care.

The ACTING SPEAKER: Order! The honourable member's time has expired.

Mr CONDOUS (Colton): The matter about which I speak today is crucial. Among the business community, both small and large, concern is being expressed, not about interest rates or the large unemployment problem that has been created by the Federal Government but about the recent introduction of gaming and poker machines. During my time as Lord Mayor, I wrote to each and every member of Parliament warning them that, before they made any decision about gaming machines, they should visit the Reverend Ted Noffs at the Wayside Chapel in Kings Cross in Sydney to see how many food parcels were prepared each week for families where the parents had squandered the entire week's salary on poker machines, leaving nothing for the children to exist on in the next six or seven days.

Those members of Parliament who voted to introduce these machines should hang their head in shame. Their names will be etched forever in *Hansard* as a permanent reminder of the contribution that they made to personal pain and suffering among addicted gaming machine gamblers in this State. It was highly irresponsible for any politician to support the introduction of gaming machines at a time of such high unemployment and economic hardship.

Let us take poker machines. Who pays? Is it only the person who plays the machine? No. Everybody pays. The user pays, and so does everyone in the community. Business loses because its economic viability is affected and, because turnover decreases dramatically, jobs have to be shed. Each compulsive or addicted gaming machine gambler affects the lives of about 10 people. It is not just the gamblers who suffer. Their immediate family and their work mates suffer.

Members interjecting:

Mr CONDOUS: That's right. Even more alarming is that women are predominant, and they are the ones who control the purse strings with respect to the purchase of food. I have raised this issue because I have met with a number of small business people and supermarket managers who have told me that they know women who used to spend $120 a week on food and who now spend only $30 a week and whose children are starving. These women have become addicted gamblers and are now going through counselling to get rid of this disease. These small business people are saying that, whether it be State or Federal money, these women should be given all of their social security and child benefit payments except for $100 or $120, which should be given to them in food coupons which can be redeemed in supermarkets. At least in that way their children would be assured of eating for seven days.

It is not fair for women to spend all their social security payments on gambling machines if that leaves their family to starve, forcing them to go to the City Mission or the Salvation Army to get a food parcel to enable them to exist for the rest of the week. This matter must be seriously addressed in Parliament, and I intend to bring it up in the Party room next week and to write to the Federal Minister as well. The introduction of gaming machines in South Australia has been an unqualified disaster, except for those who stand directly to profit from them. A new breed of compulsive gambler has emerged. Hotel owners will make millions, and I would not want that dirty money in my pocket when it should have gone on children's clothing, food and entertainment. That money is making multimillionaires out of hotel owners. It is not going to the proper needs of the children of South Australia.

PUBLIC SECTOR MANAGEMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 26 (clause 3)—After 'Part 5' insert 'or 6'.

No. 2. Page 1, line 27 (clause 3)—Leave out paragraph *(f)* and insert new paragraph as follows:

(f) the Disciplinary Appeals Tribunal or the Promotion and Grievance Appeals Tribunal;.

No. 3. Page 2 (clause 3)—After line 9 insert new definition as follows:

'the Disciplinary Appeals Tribunal' means the Tribunal of that name established under schedule 2A;.

No. 4. Page 2, line 17 (clause 3)—Leave out 'Minister' and insert 'Commissioner'.

No. 5. Page 2 (clause 3)—After line 28 insert new definition as follows:

'the Promotion and Grievance Appeals Tribunal' means the Tribunal of that name established under schedule 2A;.

No. 6. Page 3 (clause 3)—After line 10 insert new definition as follows:

'recognised organisation' means an association declared to be a recognised organisation by the Commissioner under Part 5;.

No. 7. Page 3, line 15 (clause 3)—Leave out 'Minister' and insert 'Commissioner'.

No. 8. Page 4, line 5 (clause 4)—Leave out 'competitive' and insert 'efficient'.

No. 9. Page 4 (clause 4)—After line 12 insert new subclause as follows:

'(2) Public sector agencies must implement all legislative requirements relevant to the agencies.'

No. 10. Page 4, line 16 (clause 5)—After 'fairly' insert 'and consistently and not subject employees to arbitrary or capricious administrative decisions'.

No. 11. Page 4, lines 17 and 18 (clause 5)—Leave out paragraph *(c)* and insert new paragraphs as follow:

(c) prevent unlawful discrimination against employees or persons seeking employment in the public sector on the ground of sex, sexuality, marital status, pregnancy, race, physical impairment or any other ground and ensure that no form of unjustifiable discrimination is exercised against employees or persons seeking employment in the public sector; and

(ca) use diversity in their workforces to advantage and afford employees equal opportunities to secure promotion and advancement in their employment; and

(cb) afford employees reasonable avenues of redress against improper or unreasonable administrative decisions; and'.

No. 12. Page 4, line 20 (clause 5)—Leave out ', patronage and unlawful discrimination' and insert 'and patronage'.

No. 13. Page 4, line 26 (clause 6)—Leave out 'the Government and'.

No. 14. Page 4 (clause 6)—After line 30 insert new paragraph as follows:

(f) observe all relevant legislative requirements.'

No. 15. Page 5, line 21 (clause 7)—Leave out 'Minister' and insert 'Commissioner'.

No. 16. Page 5 (clause 7)—After line 21 insert new subclause as follows:

(5a) Before a recommendation is made to the Governor as to a matter referred to in subsection (3) that will affect a significant number of the members of a recognised organisation, the Minister must, so far as is practicable—

(a) notify the organisation of the proposed recommendation; and

(b) hear any representations or argument that the organisation may wish to present in relation to the proposed recommendation.'

No. 17. Page 7, line 24 (clause 12)—Leave out 'four weeks' and insert 'three months'.

No. 18. Page 8, line 20 (clause 14)—After 'objectives' insert 'consistently with legislative requirements'.

No. 19. Page 8—After line 25 insert new clause as follows:

Right of recognised organisations to make representations to Chief Executives

15A. (1) Before making a decision, or taking action, that will affect a significant number of the members of a recognised organisation, a Chief Executive must, so far as is practicable—

(a) notify the organisation of the proposed decision or action; and

(b) hear any representations or argument that the organisation may wish to present in relation to the proposed decision or action.

(2) Nothing in this section limits or restricts the carrying out of a function or exercise of a power by a Chief Executive under this Act.

No. 20. Page 10, lines 6 to 8 (clause 18)—Leave out subclause (3) and insert new subclause as follows:

(3) There is to be a *Deputy Commissioner for Public Employment* who is also to be appointed by the Governor.

(4) The Deputy Commissioner is to act as Commissioner—

(a) during a vacancy in the position of the Commissioner; or

(b) when the Commissioner is absent from, or unable to discharge, official duties.'

No. 21. Page 11, line 3 (clause 21)—After 'issue' insert 'directions and'.

No. 22. Page 11, line 15 (clause 21)—After 'personnel management' insert 'and industrial relations'.

No. 23. Page 11, line 17 (clause 21)—Leave out 'personnel management' and insert 'directions and or'.

No. 24. Page 11, line 19 (clause 21)—Leave out 'and appeals'.

No. 25. Page 11, line 23 (clause 21)—After 'personnel management' insert 'or industrial relations'.

No. 26. Page 11 (clause 21)—After line 28 insert new subclause as follows:

(2) The Commissioner's directions—

(a) may be expressed to apply to all employees or particular employees or classes of employees (including statutory office holders with the powers and functions of a Chief Executive under this Act); and

(b) are binding on the persons to whom they are expressed to apply.'

No. 27. Page 11, lines 29 to 31 (clause 22)—Leave out the clause and insert new clause as follows:

Extent to which Commissioner is subject to Ministerial direction

22. (1) Subject to this section, the Commissioner is subject to direction by the Minister.

(2) No Ministerial direction may be given to the Commissioner—

(a) relating to the appointment, assignment, transfer, remuneration, discipline or termination of a particular person; or

(b) requiring that material be included in, or excluded from, a report that is to be laid before Parliament; or

(c) requiring the Commissioner to refrain from making a particular review or investigation; or

(d) requiring the Commissioner to declare, or refrain from declaring, a particular association to be a recognised organisation or to revoke, or refrain from revoking, such a declaration.

(3) A Ministerial direction to the Commissioner—

(a) must be communicated to the Commissioner in writing; and

(b) must be included in the annual report of the Commissioner.

No. 28. Page 12—Before line 1 insert new clause as follows:

Recognised organisations and right to make representations to Commissioner

22A. (1) If the Commissioner is of the opinion that an association registered under the *Industrial and Employee Relations Act 1994* or under the *Industrial Relations Act 1988* of the Commonwealth represents the interests of a significant number of employees, the Commissioner must, by notice published in the *Gazette*, declare the association to be a recognised organisation for the purposes of this Act.

(2) If the Commissioner is of the opinion that a recognised organisation has ceased to represent the interests of a significant number of employees, the Commissioner must, by notice published in the *Gazette*, revoke a declaration under subsection (1).

(3) Before making a decision or determination, or taking action, that will affect a significant number of the members of a recognised organisation, the Commissioner must, so far as is practicable—

(a) notify the organisation of the proposed decision, determination or action; and

(b) hear any representations or argument that the organisation may wish to present in relation to the proposed decision, determination or action.

(4) Nothing in this section limits or restricts the carrying out of a function or exercise of a power by the Commissioner under this Act.'

No. 29. Page 12, line 4 (clause 23)—After 'personnel' insert 'management or industrial relations'.

No. 30. Page 12, line 8 (clause 23)—Leave out subparagraph *(iv).*

No. 31. Page 12, line 10 (clause 23)—Leave out 'or panel of persons'.

No. 32. Page 12, line 11 (clause 23)—Leave out ', inquiry or appeal' and insert 'or inquiry'.

No. 33. Page 12, line 17 (clause 23)—After 'object' insert 'that is relevant to the subject matter of the review, investigation or inquiry'.

No. 34. Page 12, lines 18 and 19 (clause 23)—Leave out 'questions truthfully' and insert 'truthfully questions that are relevant to the subject matter of the review, investigation or inquiry'.

No. 35. Page 13, line 26 (clause 26)—After 'personnel management' insert 'and industrial relations'.

No. 36. Page 13, lines 28 to 32 (clause 26)—Leave out paragraphs *(a)* and *(b)* and insert new paragraph as follows:

(a) describe the extent of observance within the Public Service of—

(i) the personnel management standards contained in Part 2; and

(ii) the personnel management guidelines and directions issued by the Commissioner; and

(iii) the provisions governing the use of contracts relating to employment in non-executive positions under Division 2 of Part 7,

and measures taken to ensure observance of those standards, guidelines, directions and provisions;'.

No. 37. Page 14, lines 6 and 7 (clause 26)—Leave out subclause (3).

No. 38. Page 14—After line 9 insert new clause as follows:

Special reports

26A. (1) The Commissioner may at any time submit a special report to the Minister on matters relating to personnel management or industrial relations in the Public Service or a part of the Public Service.

(2) If the Commissioner becomes aware that significant breaches or evasions of—

(a) the personnel management standards contained in Part 2; or

(b) the personnel management guidelines or directions issued by the Commissioner; or

(c) the provisions governing the use of contracts relating to employment in non-executive positions under Division 2 of Part 7,

have occurred in an administrative unit, the Commissioner must make a special report to the Minister describing the breaches or evasions.

(3) On receipt of a special report under subsection (2), the Minister must obtain a report from the Minister responsible for the administrative unit dealing with the matters raised by the Commissioner and describing any corrective measures taken by the Chief Executive of the administrative unit.

(4) The Minister must, within 12 sitting days after receipt of a special report under this section, cause copies of the report (together with any further report obtained under subsection (3)) to be laid before each House of Parliament.'

No. 39. Page 15, line 4 (clause 27)—Leave out 'Minister' and insert 'Commissioner'.

No. 40. Page 15 (clause 27)—After line 13 insert new subclause as follows:

(1a) The Commissioner may not make a determination relating to the classes of positions that are to be executive positions if the determination would result in more than two per cent of all positions in the Public Service becoming executive positions.'

No. 41. Page 15, line 14 (clause 27)—Leave out 'Minister' and insert 'Commissioner'.

No. 42. Page 15, line 18 (clause 27)—Leave out 'Minister' and insert 'Commissioner'.

No. 43. Page 15 (clause 28)—After line 26 insert new subclause as follows:

(4) No position may—

(a) be abolished while the position is occupied by an employee; or

(b) have its remuneration level reduced while the position is occupied by an employee except—

(i) with the employee's consent; or

(ii) in order to correct a clerical error made in the course of the process of fixing or varying the remuneration level of the position.'

No. 44. Page 16, lines 25 to 28 (clause 30)—Leave out subclause (3).

No. 45. Page 16 (clause 30)—After line 34 insert new subclauses as follow:

(5a) If—

(a) the executive is not reappointed to the position at the end of a term of employment; and

(b) the contract does not provide that he or she is entitled to some other specified appointment in that event; and

(c) immediately before the commencement of his or her first term of employment in the position, the executive occupied another position in the Public Service (the employee's 'former position'),

the executive is entitled to be appointed (without any requirement for selection processes to be conducted) to a position in the Public Service with a remuneration level the same as, or at least equivalent to, that of his or her former position.

(5b) If an employee is appointed as required by subsection (5a) to a position that is an executive position, the conditions of his or her employment will not be required to be subject to a contract under this section (except in the event that he or she is appointed to another executive position).'

No. 46. Page 17, line 6 (clause 31)—After 'other than' insert 'Part 2 and'.

No. 47. Page 17, lines 7 to 24 (clause 32)—Leave out the clause.

No. 48. Page 17, line 33 (clause 33)—After 'objectives' insert 'consistently with legislative requirements'.

No. 49. Page 18, line 9 (clause 36)—Leave out 'the directions of the Minister' and insert 'this section'.

No. 50. Page 18, lines 20 to 23 (clause 36)—Leave out paragraph *(d)*.

No. 51. Page 18, line 28 (clause 36)—After 'Act' insert '(other than Part 2)'.

No. 52. Page 18 (clause 36)—After line 28 insert new subclause as follows:

(4) Conditions of employment may not be made subject to a contract under this section except—

(a) in the case of a temporary or casual position; or

(b) with the Commissioner's approval—

(i) in the case of a position required for the carrying out of a project of limited duration; or

(ii) where special conditions need to be offered in respect of a position to secure or retain the services of a suitable person; or

(iii) in other cases of a special or exceptional kind prescribed by regulation.

No. 53. Page 19—After line 2 insert new Division as follows:

DIVISION 3—APPOINTMENT PROCEDURES AND PROMOTION APPEALS

Appointment procedures

37A. (1) This section applies to an appointment to a position that is required to be made as a consequence of selection procedures conducted on the basis of merit.

(2) A Chief Executive may, for the purpose of filling a position—

(a) cause applications to be sought and an applicant selected on the basis of merit in accordance with the regulations; or

(b) if a pool of applicants has been established under subsection (3) for the purpose of filling positions of a class to which the position belongs—cause an applicant to be selected on the basis of merit in accordance with the regulations from amongst applicants in the pool.

(3) A Chief Executive may, with the approval of the Commissioner, for the purpose of filling positions of a class prescribed by regulation—

(a) cause applications to be sought in accordance with the regulations; and

(b) cause selections to be made on the basis of merit in accordance with the regulations for the purpose of establishing a pool of applicants from which further selections may be made to fill positions of that class as from time to time required.

(4) If an applicant selected for a position is not an employee, the Chief Executive may proceed directly to appoint the person to the position.

(5) If an applicant selected for a position is an employee, then—

(a) in a case where no other employee applied for the position or the Chief Executive is authorised by the regulations to do so—the Chief Executive may proceed directly to appoint the person to the position;

(b) in any other case—the Chief Executive must first nominate the person for appointment to the position.

(6) The Chief Executive may withdraw a nomination for appointment to a position at any time before appointment of the nominee if—

(a) the nominee requests in writing that the nomination be withdrawn; or

(b) the Commissioner approves withdrawal of the nominations,

and, in the event of such withdrawal, another applicant may be selected for appointment to the position.

Promotion appeals

37B. (1) Where an employee has been nominated for appointment to a position, any other employee who applied for the position and is eligible for appointment to the position may, within seven days after the publication of the notice of nomination, appeal to the Promotion and Grievance Appeals Tribunal against the nomination.

(2) An appeal against a nomination may only be made on one or more of the following grounds:

(a) that the employee nominated is not eligible for appointment to the position; or

(b) that the selection processes leading to the nomination were affected by nepotism or patronage or were otherwise not properly based on assessment of the respective merits of the applicants; or

(c) that there was some other serious irregularity in the selection processes,

and may not be made merely on the basis that the Tribunal should redetermine the respective merits of the appellant and the employee nominated.

(3) The Tribunal may, if of the opinion that an appeal is frivolous or vexatious, decline to entertain the appeal.

(4) Where, on an appeal under this section, the Tribunal is satisfied that there has been some serious irregularity in the selection processes leading to the nomination such that it would be unreasonable for the nomination to stand, the Tribunal may—

(a) set aside the nomination; and

(b) order that the selection processes be recommenced from the beginning or some later stage specified by the Tribunal.

(5) For the purposes of this section—

(a) a person is not eligible for appointment to a position if the person does not have qualifications determined by the Commissioner to be essential in respect of the position; and

(b) a determination by the Chief Executive seeking to fill a position that specific qualifications, experience or other attributes are essential or desirable in respect of the position will be binding on the Tribunal.

(6) Where an employee has been nominated for appointment to a position and no other employee is entitled to appeal or successfully appeals against the nomination, the nominee must be appointed to the position.

(7) The regulations may make provision with respect to entitlement to appeal against a nomination under this section.

(8) Nothing in this section prevents a Chief Executive or the Commissioner from attempting to resolve by conciliation a matter the subject of an appeal under this section prior to the commencement of the hearing of the appeal.'

No. 54. Page 20, line 8 (clause 38)—Leave out 'jointly by' and insert 'by the Commissioner in consultation with'.

No. 55. Page 20, lines 9 to 11 (clause 38)—Leave out subclause (3).

No. 56. Page 20, lines 12 to 17 (clause 38)—Leave out subclause (4) and insert new subclause as follows:

(4) Promotion of an employee to a higher remuneration level through assignment under this section—

(a) may be made only subject to conditions determined by the Commissioner; and

(b) may continue only for up to 12 months or such longer period not exceeding three years as the Commissioner may allow in a particular case.'

No. 57. Page 20, line 32 (clause 39)—Leave out 'Minister' and insert 'Commissioner'.

No. 58. Page 21, line 7 (clause 41)—Leave out 'Minister' and insert 'Commissioner'.

No. 59. Page 21, lines 14 and 15 (clause 42)—Leave out 'Chief Executive of the administrative unit in which the employee was employed' and insert 'Commissioner'.

No. 60. Page 21, lines 23 to 38, and page 22, lines 1 to 8 (clause 44)—Leave out the clause and insert new clause as follows:

Excess employees

44. (1) If the Chief Executive of an administrative unit is satisfied—

(a) that—

(i) the services of an employee have become underutilised; or

(ii) an employee is no longer required to perform, or cannot perform, the duties of his or her position,

because of—

(iii) changes in technology or work methods or in the organisation or nature or extent of operations of the administrative unit; or

(iv) loss of a qualification that is necessary for the performance or proper performance of the duties; and

(b) that it is not practicable to assign the employee under Division 1 to another position in the administrative unit,

the Chief Executive must refer the matter to the Commissioner.

(2) If a matter is referred to the Commissioner under subsection (1) and the Commissioner is satisfied—

(a) as to the matters referred to in subsection (1)*(a)*; and

(b) that all reasonable endeavours have been made to assign the employee under Division 1 to another position in the Public Service (whether in the same or another administrative unit) but that it is not practicable to do so in the circumstances of the case; and

(c) that reasonable consultations have taken place with the appropriate recognised organisation,

the Commissioner may—

(d) transfer the employee to another position in the Public Service with a lower remuneration level; or

(e) recommend to the Governor that the employee's employment in the Public Service be terminated.

(3) The Governor may, on the recommendation of the Commissioner under this section, terminate an employee's employment in the Public Service.

(4) If an employee is transferred under this section to a position with a lower remuneration level, the employee is entitled to supplementation of the employee's remuneration in accordance with the relevant provisions of an award or enterprise or industrial agreement or, if there is no award or enterprise or industrial agreement covering the matter, in accordance with a scheme prescribed by the regulations.'

No. 61. Page 23, lines 12 and 13 (clause 45)—Leave out 'jointly by the Chief Executive and the Chief Executive of the other unit, or by the Minister' and insert 'by the Commissioner in consultation with the Chief Executive of the other unit.'

No. 62. Page 23, lines 15 and 16 (clause 45)—Leave out 'the Chief Executive may terminate the employee's employment in the Public Service' and insert 'the Commissioner may recommend to the Governor that the employee's employment in the Public Service be terminated'.

No. 63. Page 23 (clause 45)—After line 16 insert new subclause as follows:

(5a) The Governor may, on the recommendation of the Commissioner under this section, terminate an employee's employment in the Public Service.'

No. 64. Page 23, lines 35 and 36 (clause 46)—Leave out subparagraph (ii).

No. 65. Page 24, lines 13 and 14 (clause 46)—Leave out 'jointly by the Chief Executive and the Chief Executive of the other unit, or by the Minister' and insert 'by the Commissioner in consultation with the Chief Executive of the other unit.'

No. 66. Page 24, lines 16 and 17 (clause 46)—Leave out 'the Chief Executive may terminate the employee's employment in the Public Service' and insert 'the Commissioner may recommend to the Governor that the employee's employment in the Public Service be terminated.'

No. 67. Page 24, lines 22 and 23 (clause 46)—Leave out subclause (4) and insert new subclauses as follow:

(4) An employee must be given not less than 14 days' notice in writing of a decision to transfer the employee or recommend that the employee's employment in the Public Service be terminated under this section.

(4a) If, within the period referred to in subsection (4), the employee appeals to the Promotion and Grievance Appeals Tribunal against the decision, the decision is suspended until the determination of the appeal.

(4b) The Governor may, on the recommendation of the Commissioner under this section, terminate an employee's employment in the Public Service.'

No. 68. Page 26, line 33 (clause 52)—After 'period' insert 'with or'.

No. 69. Page 27, lines 3 to 7 (clause 52)—Leave out paragraphs *(e)* to *(g)* and insert new paragraph as follows:

(e) recommend to the Governor—

(i) that the employee be transferred to some other position in the Public Service with a lower remuneration level; or

(ii) that the employee's employment in the Public Service be terminated.'

No. 70. Page 27, lines 14 to 16 (clause 52)—Leave out subclause (8).

No. 71. Page 27, line 17 (clause 52)—After 'taking' insert 'or recommending'.

No. 72. Page 27, line 19 (clause 52)—After 'take' insert 'or recommend'.

No. 73. Page 27 (clause 52)—After line 22 insert new subclause as follows:

(11) The Governor may, on the recommendation of the Chief Executive under this section—

(a) transfer an employee to some other position in the Public Service with a lower remuneration level; or
(b) terminate an employee's employment in the Public Service.'

No. 74. Page 27, lines 33 to 35 (clause 53)—Leave out paragraph *(e)* and insert new paragraph as follows:
(e) recommend to the Commissioner that the employee be transferred to a position in another administrative unit with the same remuneration level;'

No. 75. Page 28, lines 4 to 6 (clause 53)—Leave out subclause (3) and insert new subclause as follows:
(3) The Commissioner may, on the recommendation of the Chief Executive under this section, transfer an employee to a position in another administrative unit with the same remuneration level.'

No. 76. Page 28, line 20 (clause 53)—Leave out 'Minister' and insert 'Commissioner'.

No. 77. Page 28, lines 34 to 39 (clause 54)—Leave out paragraphs *(a), (b)* and *(c)* and the passage 'may—' preceding those paragraphs and insert 'may recommend to the Governor—
(a) that the employee be transferred to some other position in the Public Service with a lower remuneration level; or
(b) that the employee's employment in the Public Service be terminated.'

No. 78. Page 29, lines 1 to 3 (clause 54)—Leave out subclause (2).

No. 79. Page 29, line 4 (clause 54)—Leave out 'taking' and insert 'recommending'.

No. 80. Page 29, line 6 (clause 54)—Leave out 'take' and insert 'recommend'.

No. 81. Page 29 (clause 54)—After line 8 insert new subclause as follows:
(5) The Governor may, on the recommendation of the Chief Executive under this section—
(a) transfer an employee to some other position in the Public Service with a lower remuneration level; or
(b) terminate an employee's employment in the Public Service.'

No. 82. Page 29—After line 8 insert new clause as follows:
Disciplinary appeals
54A. (1) An employee may, within 14 days after receiving notice of a decision that the employee is liable to disciplinary action or a decision as to disciplinary action to be taken or recommended in respect of the employee under this Division, appeal to the Disciplinary Appeals Tribunal against the decision.
(2) The Tribunal may, on an appeal under this section—
(a) affirm the decision subject to the appeal;
(b) set aside the decision subject to the appeal and substitute a decision that should have been made in the first instance;
(c) make any consequential or ancillary orders.
(3) If an appellant succeeds in an appeal under this section, the Tribunal may order costs against the Crown.
(4) An employee does not have a right of appeal under this section against a decision recommending disciplinary action because the employee has been convicted of an indictable offence.'

No. 83. Page 29, lines 22 to 36, and page 30, lines 1 to 9 (clause 57)—Leave out the clause and insert new clause as follows:
Grievance appeals
57. (1) An employee who is aggrieved by an administrative decision that directly affects the employee may appeal to the Promotion and Grievance Appeals Tribunal against the decision.
(2) Nothing in this section prevents a Chief Executive or the Commissioner from attempting to resolve by conciliation a matter the subject of an appeal under this section prior to the commencement of the hearing of the appeal.
(3) The Tribunal may, if of the opinion—
(a) that an appeal is frivolous or vexatious; or
(b) that an appellant has not fully explored avenues for review or redress available within the administrative unit in which the appellant is employed,
decline to entertain the appeal.
(4) The Tribunal may, on an appeal under this section—
(a) affirm the decision subject to the appeal; or
(b) give any directions that are, in the opinion of the Tribunal, necessary or desirable to redress the grievance.
(5) An employee does not have a right of appeal under this section against a decision—
(a) that is appealable under some other provision of this Act; or
(b) that is of a class excluded by regulation from appeal under this section.'

No. 84. Page 30, lines 10 to 13 (clause 58)—Leave out the clause.

No. 85. Page 30, lines 14 to 35 (clause 59)—Leave out the clause.

No. 86. Page 30, lines 36 to 40 (clause 60)—Leave out the clause.

No. 87. Page 31, lines 1 to 12 (clause 61)—Leave out the clause.

No. 88. Page 31, lines 13 to 15 (clause 62)—Leave out the clause.

No. 89. Page 31, lines 16 to 32 (clause 63)—Leave out the clause.

No. 90. Page 31, lines 33 to 38, and page 32, lines 1 to 4 (clause 64)—Leave out the clause.

No. 91. Page 32, lines 5 to 8 (clause 65)—Leave out the clause.

No. 92. Page 32, lines 9 to 18 (clause 66)—Leave out the clause.

No. 93. Page 34, lines 8 and 9 (clause 70)—Leave out 'the Chief Executive of an administrative unit would be empowered under Part 8 to transfer an employee' and insert 'an employee is liable to be transferred under Part 8'.

No. 94. Page 34, lines 9 and 10 (clause 70)—Leave out 'Minister' (twice occurring) and insert, in each case, 'Commissioner'.

No. 95. Page 34, line 18 (clause 70)—Leave out 'Minister may, if the Minister' and insert 'Commissioner may, if the Commissioner'.

No. 96. Page 34, line 25 (clause 70)—Leave out 'Minister' and insert 'Commissioner'.

No. 97. Page 34, line 26 (clause 70)—Leave out 'Minister' and insert 'Commissioner'.

No. 98. Page 34 (clause 71)—After line 31 insert new subclause as follows:
(2a) Appointments may not be made under this section so that at any time the number of persons so employed exceeds one per cent of all employees in the Public Service.'

No. 99. Page 34 (clause 71)—After line 34 insert new subclauses as follow:
(4) The Premier must cause a report to be prepared not less frequently than once every 12 months setting out with respect to each Minister—
(a) details of all appointments made to the Minister's personal staff under this section (other than those described in previous reports under this section); and
(b) the number of persons for the time being employed on the Minister's personal staff under this section; and
(c) the remuneration and other conditions of appointment of each person for the time being employed on the Minister's personal staff under this section.
(5) A report under subsection (4) must—
(a) be published in the *Gazette* next issued after preparation of the report; and
(b) be laid before each House of Parliament within six sitting days after preparation of the report.'

No. 100. Page 34, line 36 (clause 72)—Leave out 'Minister' (twice occurring) and insert, in each case, 'Commissioner'.

No. 101. Page 36, line 34 (clause 79)—Leave out 'Minister' and insert 'Commissioner'.

No. 102. Page 37, lines 11 to 21 (clause 82)—Leave out the clause.

No. 103. Page 38, line 17 (Schedule 1)—Leave out 'a Minister to the' and insert 'the Premier to a'.

No. 104. Page 39, line 15 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.

No. 105. Page 39, line 17 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.

No. 106. Page 40, line 7 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.

No. 107. Page 40, line 8 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.

No. 108. Page 40, line 11 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.

No. 109. Page 40, line 12 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.

No. 110. Page 40, lines 15 and 16 (Schedule 2)—Leave out 'Minister' (twice occurring) and insert, in each case, 'Commissioner'.

No. 111. Page 40, line 23 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 112. Page 41, line 6 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 113. Page 41, line 7 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 114. Page 41, line 9 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 115. Page 41, line 10 (Schedule 2)—After 'employees' insert 'so as to authorise the establishment of a pool of sick leave credits for the benefit of any member of the group who has a longer term absence due to sickness or injury'.
No. 116. Page 41, lines 16 and 17 (Schedule 2)—Leave out 'Minister' (twice occurring) and insert, in each case, 'Commissioner'.
No. 117. Page 41, lines 21 and 22 (Schedule 2)—Leave out 'Minister' (twice occurring) and insert, in each case, 'Commissioner'.
No. 118. Page 41, line 27 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 119. Page 41, line 31 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 120. Page 41, line 32 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 121. Page 42, line 4 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 122. Page 42, line 11 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 123. Page 42, line 21 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 124. Page 42, line 24 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 125. Page 42, line 32 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 126. Page 43, line 17 (Schedule 2)—Leave out 'Minister' and insert 'Commissioner'.
No. 127. Page 43, lines 27 and 28 (Schedule 2)—Leave out 'Minister' (twice occurring) and insert, in each case, 'Commissioner'.
No. 128. Page 43—After line 34 insert new Schedule as follows:

SCHEDULE 2A

Promotion and Grievance Appeals Tribunal and Disciplinary Appeals Tribunal

Promotion and Grievance Appeals Tribunal and Disciplinary Appeals Tribunal

1. (1) The following Tribunals are established:
(a) the *Promotion and Grievance Appeals Tribunal*; and
(b) the *Disciplinary Appeals Tribunal*.
(2) Except where the contrary intention appears, the remaining provisions of this schedule apply in relation to both the Promotion and Grievance Appeals Tribunal and the Disciplinary Appeals Tribunal.

Appointment of Presiding Officer and Deputy Presiding Officer

2. (1) The Governor may appoint—
(a) a suitable person to be Presiding Officer of the Tribunal; and
(b) a suitable person to be Deputy Presiding Officer of the Tribunal.
(2) Before the Governor makes an appointment under subclause (1), the Minister must invite representations from recognised organisations on the proposed appointment.
(3) A person is not eligible to be appointed as Presiding Officer or Deputy Presiding Officer of the Disciplinary Appeals Tribunal unless that person is a member or a former member of the judiciary of the State or the Commonwealth.
(4) A person is not eligible to be appointed as Presiding Officer or Deputy Presiding Officer of the Promotion and Grievance Appeals Tribunal—
(a) if the person is an employee; or
(b) unless the person has, in the opinion of the Governor, appropriate knowledge and experience of principles and practices of personnel management in the public sector.
(5) In the absence of the Presiding Officer of the Tribunal, or if there is temporarily no Presiding Officer of the Tribunal, the Deputy Presiding Officer has all the powers and functions of the Presiding Officer.
(6) A Presiding Officer or Deputy Presiding Officer of the Tribunal is to be appointed for a term of office (not exceeding five years) determined by the Governor and specified in the instrument of appointment and, at the end of a term of office, is eligible for reappointment.
(7) A person ceases to be Presiding Officer or Deputy Presiding Officer of the Promotion and Grievance Appeals Tribunal if the person—
(a) completes a term of office and is not reappointed; or
(b) resigns by written notice addressed to the Minister; or
(c) is removed from office by the Governor on the ground of—
(i) misconduct; or
(ii) neglect of duties; or
(iii) incompetence; or
(iv) mental or physical incapacity to carry out official duties; or
(d) is convicted of an offence punishable by imprisonment; or
(e) becomes a member, or a candidate for election as a member, of the Parliament of the State or the Commonwealth.
(8) A person ceases to be Presiding Officer or Deputy Presiding Officer of the Disciplinary Appeals Tribunal if the person—
(a) completes a term of office and is not reappointed; or
(b) resigns by written notice addressed to the Minister; or
(c) ceases to be a member of the judiciary.
(9) A person who ceases to be Presiding Officer or Deputy Presiding Officer of the Tribunal on completion of a term of office, on resignation under this clause, or on retirement or resignation as a member of the judiciary, may continue to act in the relevant office for the purpose of completing the hearing and determination of proceedings part-heard at the completion of the term of office, or at the time of the retirement or resignation.

Panels of nominees

3. (1) For the purpose of constituting the Tribunal there is to be—
(a) a panel of employees nominated by the Commissioner; and
(b) a panel of employees nominated by recognised organisations.
(2) The Minister may from time to time invite the recognised organisations to nominate employees to constitute the panel referred to in subclause (1)*(b)*.
(3) If a recognised organisation fails to make a nomination in response to an invitation under subclause (2) within the time allowed in the invitation, the Minister may choose employees instead of nominees of the recognised organisation and any employees so chosen are to be taken to have been nominated to the relevant panel.
(4) A person ceases to be a member of a panel if the person—
(a) ceases to be an employee; or
(b) resigns by notice in writing addressed to the Minister; or
(c) is removed from the panel by the Minister on the ground of misconduct, neglect of duty, incompetence or mental or physical incapacity to carry out official duties; or
(d) has completed a period of two years as a member of the panel since being nominated, or last renominated, as a member of the panel, and is not renominated to the panel.
(5) A person who ceases to be a member of a panel on retirement or resignation from the Public Service, on resignation under this clause, or on completion of a period of two years as a member of the panel, may continue as a member of the panel for the purpose of completing the hearing and determination of proceedings of the Tribunal part-heard at the completion of the period as a member, or at the time of the retirement or resignation.

Constitution of Tribunal and divisions of Tribunal

4. (1) For the purpose of hearing and determining any proceedings, the Tribunal is to be constituted of—
(a) the Presiding Officer or Deputy Presiding Officer of the Tribunal; and
(b) a member of the panel of nominees of the Commissioner selected by the Presiding Officer for the purpose of those proceedings; and
(c) a member of the panel of nominees of recognised organisations selected for the purpose of those proceedings—
(i) by the appellant; or

(ii) if there are two or more appellants and they do not agree on the selection of a nominee—by the Presiding Officer.

(2) The Presiding Officer, if of the opinion that it is expedient that separate divisions of the Tribunal should be constituted, may direct that the Tribunal sit in separate divisions.

(3) A division of the Tribunal is to be constituted in accordance with subclause (1).

(4) Separate divisions of the Tribunal may sit contemporaneously to hear separate proceedings.

Procedure at meetings of Tribunal

5. (1) The Presiding Officer or Deputy Presiding Officer of the Tribunal must preside at the hearing of any proceedings by the Tribunal.

(2) The Presiding Officer or Deputy Presiding Officer of the Disciplinary Appeals Tribunal must decide any question of law arising in proceedings before that Tribunal but any other decision in which any two or more members of the Tribunal concur is a decision of the Tribunal.

(3) A decision in which any two or more members of the Promotion and Grievance Appeals Tribunal concur is a decision of that Tribunal.

Employee not subject to direction

6. A member of the Tribunal who is an employee is not subject to direction as an employee in respect of the performance of duties as a member of the Tribunal.

Secretary to Tribunal

7. There is to be a Secretary to the Tribunal.

Principles upon which Promotion and Grievance Appeals Tribunal is to act

8. In proceedings under this Act, the Promotion and Grievance Appeals Tribunal—

(a) is to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms; and

(b) is not bound by any rules of evidence, but may inform itself on any matter in such manner as it thinks fit.

Notice of proceedings, etc.

9. (1) The Presiding Officer or the Secretary to the Tribunal must give a party to proceedings before the Tribunal reasonable notice of the time and place at which the Tribunal is to hear those proceedings.

(2) The Commissioner is to be treated as a party to all proceedings before the Tribunal.

(3) A party must be afforded a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses, and to make submissions to the Tribunal.

(4) If a party does not attend at the time and place fixed by the notice, the Tribunal may hear the proceedings in the absence of that party.

Representation

10. (1) Subject to subclause (2), a person is entitled to appear personally, or by representative, in proceedings before the Tribunal.

(2) A person is not entitled to be represented by a legal practitioner except in proceedings before the Disciplinary Appeals Tribunal.

Powers of the Tribunal

11. (1) In the exercise of its powers or functions under this Act, the Tribunal may—

(a) by summons signed on behalf of the Tribunal by a member of the Tribunal, or the Secretary to the Tribunal, require the attendance before the Tribunal of any person; and

(b) by summons signed on behalf of the Tribunal by a member of the Tribunal, or the Secretary to the Tribunal, require the production of any record or object; and

(c) require a person to make an oath or affirmation to answer truthfully all questions put by the Tribunal, or a person appearing before the Tribunal; and

(d) require a person appearing before the Tribunal to answer relevant questions put by a member of the Tribunal or by a person appearing before the Tribunal.

(2) Subject to subclause (3), if a person—

(a) who has been served with a summons to attend before the Tribunal fails without reasonable excuse to attend in obedience to the summons; or

(b) who has been served with a summons to produce a record or object fails without reasonable excuse to comply with the summons; or

(c) misbehaves before the Tribunal, wilfully insults the Tribunal or a member of the Tribunal or interrupts the proceedings of the Tribunal; or

(d) refuses to be sworn or to affirm, or to answer a relevant question when required to do so by the Tribunal,

the person is guilty of an offence.

Penalty: Division 6 fine.

(3) A person is not obliged to answer a question or to produce a record or object (other than a record or object of the Government) under this clause if to do so would tend to incriminate the person of an offence.

(4) In the course of proceedings, the Tribunal may—

(a) receive in evidence a transcript of evidence in proceedings before a court or tribunal and draw any conclusions of fact from the evidence that it considers proper; or

(b) adopt any findings, decision or judgment of a court or tribunal that may be relevant to the proceedings.

Witness fees

12. A person who appears as a witness in proceedings before the Tribunal is entitled to reimbursement of expenses in accordance with the regulations.

Reasons for decision

13. At the conclusion of an appeal, the Tribunal must, at the request of a party to the appeal, furnish the party with a statement of the reasons for the Tribunal's decision on the appeal.

Report on proceedings of the Tribunal

14. (1) The Presiding Officer of the Tribunal must, within three months after the end of each financial year, report to the Minister on the work of the Tribunal during that financial year.

(2) The Minister must, within 12 sitting days after receipt of a report under this clause, cause copies of the report to be laid before each House of Parliament.'

No. 129. Page 45, lines 6 and 7 (Schedule 3)—Leave out paragraph *(b)*.

No. 130. Page 45, lines 18 to 20 (Schedule 3)—Leave out paragraph *(c)*.

No. 131. Page 46, line 21 (Schedule 3)—Leave out 'four weeks' and insert 'three months'.

No. 132. Page 46, lines 34 to 42, and page 47, lines 1 to 3 (Schedule 3)—Leave out clause 11 and insert new clause as follows:

Tribunals continued

11. The Disciplinary Appeals Tribunal and the Promotion and Grievance Appeals Tribunal as constituted under the repealed Act immediately before the commencement of this Act continue as the same Tribunals subject to this Act.'

No. 133. Page 47 (Schedule 3)—After line 13 insert new clause as follows:

Interaction with Superannuation legislation

15. (1) Termination of an employee's employment in the Public Service under Division 4 of Part 8 is to be taken to constitute retrenchment for the purposes of the *Superannuation Act 1988*, the *Superannuation (Benefit Scheme) Act 1992* and the *Southern State Superannuation Act 1994*.

(2) Termination of an employee's employment in the Public Service under Division 5 of Part 8 is to be taken to constitute termination on account of or on the ground of invalidity for the purposes of the *Superannuation Act 1988*, the *Superannuation (Benefit Scheme) Act 1992* and the *Southern State Superannuation Act 1994*.

(3) Termination of employee's employment in the Public Service under Division 6 of Part 8 is to be taken to constitute termination on the ground of incompetence for the purposes of the *Superannuation Act 1988*.'

The Hon. DEAN BROWN: Before dealing with the Legislative Council's amendments, I will make a few brief remarks to help members understand the process that we are moving through. From the outset, let me say that a great deal of work has been done since the other place considered this matter. Discussions have been held between the various parties involved, including the Public Service Association, so it is appropriate that I make a brief statement to the Committee.

When I introduced this Bill on 2 November last year, my aims for the new legislation were for South Australia to have

an effective and efficient managerial framework which provided for, first, significantly greater managerial flexibility; secondly, more authority and accountability for managers in the public sector; thirdly, a clear set of standards and objectives for public sector organisations and managers, including the chief executive officers, and for employees throughout the public sector; fourthly, an environment where management and employees could work together productively without excessive red tape and formality; fifthly, performance-based employment contracts for chief executive officers and for other executives; and, finally, a simplified appeals procedure.

All the above, except for the last point, will be achieved if this House and the Legislative Council accept the amendments that I will put to the Committee. As members would be aware, the Legislative Council accepted many amendments proposed by the Opposition and the Democrats. In essence, these amendments restored the provisions of the Government Management and Employment Act. Acceptance of all those amendments by the Committee would mean that little if any progress would have been made in the area of public sector management in South Australia.

For instance, in relation to appeals, I proposed a simple yet effective system that provided for chief executive officers directly to address the concerns of employees. Where those concerns could not be resolved, there was provision for the Commissioner for Public Employment—an independent statutory officer—to ensure that an independent second hearing was provided and appropriate judgment made. Both the Opposition and the Democrats have rejected this idea and I understand that the Public Service Association at the same time had significant concerns about this proposal. In my view, these concerns were completely unfounded as the proposals contained in the Bill do not undermine the right of employees to appeal nor do they deny them access to an independent appeals body.

I believe that much misinformation has been provided about this proposal. I am disappointed that it is not possible to persuade the Opposition, the Democrats and the Public Service Association to accept a system that I believe is much more in keeping with our current and anticipated needs. However, maintenance of the current system will not cause any unbearable burden. It simply means that in respect of appeals this State, in terms of public sector management, is not moving with the times.

Other amendments moved by the Opposition and the Democrats in the Legislative Council have strengthened the role of the Commissioner for Public Employment and have cut across the Government's proposals for contracts for executives and officers. Again, whilst I understand the stance of the Public Service Association and therefore the position adopted by the Opposition and the Democrats, I have to put on record that, in softening the proposals of the original Bill, South Australia is once again forced to accept a less than desirable option.

Any arrangement can be made to work. The real questions are: is it the best and, if not, what is the cost of compromise; what is its long-term impact; will it put us in the best possible competitive position; and will the arrangement carry this State into the future? Since the Legislative Council has dealt with the Bill there has been considerable discussion involving all the parties, including the Public Service Association. I am pleased to be able to report that agreements have been reached on a number of important amendments that move the state of public sector management at least one major step beyond the Government Management and Employment Act.

The Government would like to see much more change, but one has to be realistic and recognise the weight of the numbers in the Legislative Council. Some progress is better than no progress at all and therefore I support the agreement reached at officer level with the Public Service Association. It is my understanding that both the Opposition and the Democrats also support the agreement reached. I must confess that there was a time when I was somewhat pessimistic about the ability of the Public Service Association, the Opposition and the Democrats to agree on worthwhile change in relation to the Bill. I am therefore delighted that, following reconsideration of some of its proposals, the Government is now in a position to put forward a series of amendments that give effect to the agreement reached. I commend these amendments to the Committee and I seek the formal support of the Opposition.

Mr CLARKE: In responding to the Premier's invitation, let me say that the Opposition will support these amendments, both in respect of the House of Assembly and the Legislative Council. I do not want to take up too much time of the Committee with respect to this matter as there is agreement, so I will confine my comments to this point in time and, unless in introducing amendments the Premier provokes me into making a retort, I will be silent except to give my assent to each of the amendments set out in the document before all members of the Committee.

In endorsing the amendments that are now before the Committee, I would like to say couple of things. When the Opposition adopted its position on the original Bill as introduced, we sought to maintain a number of important principles, one of which—most important of all—was the maintenance of a Public Service that was free from political interference. We regarded that as the absolute cornerstone of our opposition to the Government's original Bill. I will not go through our objections at that time: they have been well documented in very extensive style both in this House and in the other place. However, in our view the maintenance of a politically independent Public Service was absolutely crucial. I am pleased to see that as a result of the amendments the independence and political independence of our public servants is again guaranteed.

Also of great importance was the maintenance of an independent appeals mechanism for public servants. Again, that is absolutely vital to ensure protection for public servants against cronyism or abuse of office by those in more senior positions. That is not simply to protect a person's job or position but, more particularly and more importantly, if we have an independent Public Service and public servants who are not afraid for their job as a result of giving frank and fearless advice to political masters, we as a community benefit from that type of environment.

We have been successful in all those aims through these amendments. In addition, in a curious way we have ensured that the Government maintained its election promise of 1993 not to repeal the Government Management and Employment Act. Whilst this legislation achieves that, for all intents and purposes the intentions and safeguards inherent in that Act are replicated in this new Public Sector Management Bill.

We appreciate that this is to some significant degree a loss for some members of the bureaucracy—particularly those brought in from the private sector by this Government who have had a desire to turn the State Public Service into a giant BHP run along private sector lines and principles. This has

been a significant setback for them and one from which we trust they will learn and keep in mind in relation to any further legislation that might come before the Parliament in the present term of this Government in so far as the public sector is concerned. Both the Opposition and, no doubt, the Australian Democrats will be vigilant, as we have been to date on this Bill, in ensuring the protection of the rights of public servants and, in particular, the maintenance of their political independence.

Whilst there is a number of ex-Employers' Federation people who hold senior positions within the Government who may see this as a loss for them, I trust that they will learn from their experience. If they do so, that will be to the benefit of this State as a whole.

In conclusion, I pay tribute to my colleagues in another place and also to the Australian Democrats: by joining forces we have ensured that sanity has prevailed with respect to this issue. As the Minister for Primary Industries would point out, I do not often praise the Australian Democrats, but with respect to this legislation we were shoulder to shoulder and saw things in much the same way. Unfortunately, I doubt whether that will continue on every piece of legislation that will come before the Parliament, but we will deal with these problems on a case by case basis.

I also extend my appreciation to negotiators for the Government, in the person of the head of the Department of the Premier and Cabinet, who negotiated with me on a number of occasions with respect to these amendments; and also to Peter Christopher, the Chief Industrial Officer of the Public Service Association who, I believe, showed a great deal of leadership and maturity with respect to his own organisation to ensure that these compromise positions could be found where everyone's best interests were served, although no doubt the Premier, as he has already stated, is somewhat disappointed that he was not able to get as far as he wanted with respect to this legislation.

I close on this point: if during this Government he should again try to bring in legislation similar to that which he originally brought in, with the same intent, he will meet the same result of total opposition from the Australian Labor Party.

Amendments Nos 1 to 15:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 1 to 15 be agreed to.

Motion carried.

Amendment No. 16:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 16 be agreed to with the following amendments:

Leave out from proposed subclause (5a) 'the members of a recognised organisation' and insert 'employees'.

Leave out paragraph *(a)* of proposed subclause (5a) and insert—

'*(a)* give notice of the proposed recommendation—
(i) to the employees; and
(ii) if a significant number of the members of a recognised organisation will be affected by the proposed recommendation—to the organisation; and.'

After 'argument that' in proposed subclause (5a) insert 'representatives of the employees or'.

Motion carried.

Amendments Nos 17 and 18:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 17 and 18 be agreed to.

Motion carried.

Amendment No. 19:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 19 be agreed to with the following amendments:

Leave out from proposed clause 15A(1) 'the members of a recognised organisation' and insert 'employees'.

Leave out paragraph *(a)* of proposed clause 15A(1) and insert—

'*(a)* give notice of the proposed decision or action—
(i) to the employees; and
(ii) if a significant number of the members of a recognised organisation will be affected by the proposed decision or action—to the organisation; and.'

After 'argument that' in proposed clause 15A(1) insert 'representatives of the employees or'.

Motion carried.

Amendments Nos 20 to 22:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 20 to 22 be agreed to.

Motion carried.

Amendment No. 23:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 23 be agreed to with the following amendment:

Leave out from the words to be inserted 'or'.

Motion carried.

Amendments Nos 24 to 27:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 24 to 27 be agreed to.

Motion carried.

Amendment No. 28:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 28 be agreed to with the following amendments:

Leave out from proposed clause 22A(3) 'the members of a recognised organisation' and insert 'employees'.

Leave out paragraph *(a)* of proposed clause 22A(3) and insert—

'*(a)* give notice of the proposed decision, determination or action—
(i) to the employees; and
(ii) if a significant number of the members of a recognised organisation will be affected by the proposed decision, determination or action—to the organisation; and.'

After 'argument that' in proposed clause 22A(3) insert 'representatives of the employees or'.

Motion carried.

Amendments Nos 29 to 35:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 29 to 35 be agreed with.

Motion carried.

Amendment No. 36:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 36 be agreed to with the following amendment:

Leave out subparagraph (iii) of proposed paragraph *(a)*.

Motion carried.

Amendment No. 37:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 37 be agreed to.

Motion carried.

Amendment No. 38:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 38 be agreed to with the following amendment:

Leave out paragraph *(c)* of proposed clause 26A(2).

Motion carried.

Amendment No. 39:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 39 be agreed to.

Motion carried.

Amendment No. 40:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 40 be disagreed to.

Motion carried.

Amendments Nos 41 to 43:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 41 to 43 be agreed to.

Motion carried.

Consequential amendment:

The Hon. DEAN BROWN: I move:

That the House of Assembly make the following consequential amendment:

Page 15, after clause 28—Insert new clause as follows:

Review of remuneration level of position

28A. (1) The Commissioner may establish review panels for the purposes of this section.

(2) A review panel is to consist of—

(a) the Commissioner or a delegate of the Commissioner; and

(b) an employee selected by the Commissioner from a panel of employees nominated by recognised organisations; and

(c) an employee selected by the Commissioner from a panel of employees nominated by the Commissioner.

(3) The Minister may from time to time invite the recognised organisations to nominate employees to constitute the panel referred to in subsection (2)*(b)*.

(4) If a recognised organisation fails to make a nomination in response to an invitation under subsection (3) within the time allowed in the invitation, the Minister may choose employees instead of nominees of the recognised organisation and any employees so chosen are to be taken to have been nominated to the relevant panel.

(5) A person ceases to be a member of a panel if the person—

(a) ceases to be an employee; or

(b) resigns by notice in writing addressed to the Minister; or

(c) is removed from the panel by the Minister on the ground of misconduct, neglect of duty, incompetence or mental or physical incapacity to carry out official duties; or

(d) has completed a period of two years as a member of the panel since being nominated, or last renominated, as a member of the panel, and is not renominated to the panel.

(6) Subject to subsection (7), an employee who—

(a) has made an application under this Part for variation of the remuneration level of the employee's position; and

(b) is dissatisfied with the decision on the application,

may, within 30 days after receiving notice of the decision, apply to the Commissioner for a review of the remuneration level of the employee's position.

(7) An application for review may not be made—

(a) by an executive or any employee whose employment is subject to a contract under Part 7; or

(b) in a case of a kind excluded by the regulations.

(8) On an application for review, the Commissioner must refer the application to a review panel.

(9) A review panel to which an application for review is referred must afford—

(a) the applicant; and

(b) the Chief Executive, or a nominee of the Chief Executive of the administrative unit in which the applicant is employed,

a reasonable opportunity to make submissions orally or in writing to the panel on the questions raised by the application.

(10) If an applicant wishes to make oral submissions, the applicant may appear before the panel personally or by a representative (who may not be a legal practitioner).

(11) On completion of a review, the review panel may—

(a) confirm the existing remuneration level of the applicant's position; or

(b) determine that the remuneration level of the position should be varied with effect from a date determined by the panel (which may not be earlier than the date of the application for review nor later than three months from the date of that application).

(13) A decision in which any two or more members of a review panel concur is a decision of the panel.

(14) If a review panel determines that the remuneration level of a position should be varied, the Chief Executive must vary the remuneration level of the position in accordance with the determination.

Motion carried.

Amendment No. 44:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 44 be agreed to.

Motion carried.

Amendment No. 45:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 45 be agreed to with the following amendments:

Leave out paragraph *(c)* of proposed subclause (5a) and insert—

'*(c)* immediately before the executive was first appointed to any executive position under this Act, he or she was employed in the Public Service (but not under a contract for a fixed term with no entitlement to employment in another position at the end of the fixed term); and

(d) the contract does not exclude the operation of this subsection,.'

Leave out from proposed subclause (5a) 'that of his or her former position' and insert 'that of the position he or she occupied immediately before the commencement of his or her first term of employment in the position to which he or she is not being reappointed'.

Motion carried.

Amendment No. 46:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 46 be agreed to.

Motion carried.

Amendment No. 47:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 47 be agreed to with the following amendment:

After the words in the Amendment 'Leave out the clause' insert 'and insert new clause as follows:

Termination of executive's employment by notice

32. (1) This section applies only to an executive whose conditions of employment are subject to a contract under this Division.

(2) The Chief Executive of the administrative unit in which an executive is employed may, with the approval of the Commissioner, terminate the executive's employment by not less than three months notice in writing to the executive.

(3) If an executive's employment is terminated by the Chief Executive by notice under this section, the following provisions apply:

(a) if—

(i) the contract relating to the executive's employment does not provide that he or she is entitled

to some other specified appointment in the event of such termination; and

(ii) immediately before the executive was first appointed to any executive position under this Act, he or she was employed in the Public Service (but not under a contract for a fixed term containing provision for termination of his or her employment by notice in writing of a specified period); and

(iii) the contract does not exclude the operation of this paragraph,

the executive is entitled to be appointed (without any requirement for selection processes to be conducted) to a position in the Public Service with a remuneration level the same as, or at least equivalent to, that of the position he or she occupied immediately before the commencement of his or her first term of employment in the position occupied at the time of termination;

(b) in any other case—the executive is, subject to any provision in the contract, entitled to a termination payment of an amount equal to three months remuneration (as determined for the purposes of this subsection under the contract) for each uncompleted year of the term of employment (with a *pro rate* adjustment in relation to part of a year) up to a maximum of 12 months remuneration (as so determined).

(4) If an employee is appointed as required by subsection (3)*(a)* to a position that is an executive position, the conditions of his or her employment will not be required to be subject to a contract under this Division (except in the event that he or she is appointed to another executive position).

(5) Nothing in this section prevents termination of an executive's employment by a shorter period of notice than three months provided that a payment is made to the executive in lieu of notice of an amount equal to the salary and allowances (if any) that the executive would have been entitled to receive during the balance of the period of three months less, in the case of an executive appointed to another position under subsection (3)*(a)*, the salary and allowances (if any) payable in respect of employment in that position during the balance of the period of three months.

(6) The provisions of Part 8 relating to termination of an employee's employment apply to an executive in addition to this section but subject to any provision in the contract relating to the executive's employment.

Motion carried.

Amendments Nos 48 to 51:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 48 to 51 be agreed to.

Motion carried.

Amendment No. 52:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 52 be agreed to with the following amendments:

Leave out from the Amendment the words 'new subclause' and
insert 'new subclauses'.

Leave out from proposed subclause (4)*(b)*(i) 'limited duration' and insert 'a duration not exceeding five years'.

After proposed subclause (4) insert—

(5) The term of an employee's employment in a temporary position may be extended from time to time and an employee may be reappointed to a temporary position, but the aggregate period for which an employee continues in a temporary position may not exceed two years.

(6) The Commissioner may give a general approval that will be sufficient for the purposes of subsection (4)*(b)* in relation to a class of positions that the Commissioner is satisfied are required for the carrying out of projects of a duration not exceeding five years.

Motion carried.

Amendments Nos 53 to 114:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 53 to 114 be agreed to.

Motion carried.

Amendment No. 115:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendment No. 115 be disagreed to and that the following amendment be substituted in lieu thereof:

Page 41, lines 9 and 10 (Schedule 2)—Leave out paragraph *(d)* and insert—

(d) the Commissioner may approve a scheme in relation to a class of employees under which this clause will apply in a modified way in relation to employees of that class who individually apply to come under the scheme.

Motion carried.

Amendments Nos 116 to 130:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 116 to 130 be agreed to.

Motion carried.

Consequential amendment:

The Hon. DEAN BROWN: I move:

That the House of Assembly make the following consequential amendment:

Page 45, line 22 (Schedule 3)—Leave out 'Minister' and insert 'Commissioner'.

Motion carried.

Amendments Nos 131 to 133:

The Hon. DEAN BROWN: I move:

That the Legislative Council's amendments Nos 131 to 133 be agreed to.

Motion carried.

Further consequential amendments:

The Hon. DEAN BROWN: I move:

That the House of Assembly make the following consequential amendments:

New Schedule

After Schedule 3—Insert new schedule as follows:

SCHEDULE 4

Amendment of Industrial and Employee Relations Act 1994

The Industrial and Employee Relations Act 1994 is amended by striking out paragraph *(a)* of the definition of 'employer' in section 4(1) and substituting the following paragraph:

(a) for public employees—the body or person (not being a Minister) declared by regulation to be the employer of the employees;.

Long title, page 1, line 8—After 'Act 1985;' insert 'to amend the Industrial and Employee Relations Act 1994;'.

Motion carried.

PHYLLOXERA AND GRAPE INDUSTRY BILL

Consideration in Committee of the Legislative Council's amendment:

Page 6 (clause 10)—After line 21 insert new subclauses as follow:

(4a) The Minister must appoint at least one member of the Selection Committee from the persons nominated to the panel by the South Australian Farmers Federation Incorporated and at least one member from the persons nominated by the Wine and Brandy Producers Association of South Australia Incorporated.

(4b) At least one member of the Selection Committee must be a man and at least one must be a woman.

The Hon. D.S. BAKER: I move:

That the Legislative Council's amendment be agreed to.

Motion carried.

Mr MEIER: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

PETROLEUM PRODUCTS REGULATION BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 10 (clause 15)—After line 1 insert new subclause as follows:

(3) The Minister—

(a) is, in making a decision in respect of an application, bound by a recommendation made by a person or body to which the matter has been referred under this Part that the application should be refused; and

(b) may not decide that an application should be refused unless in receipt of a recommendation to that effect from a person or body to which the matter has been so referred.

No. 2. Page 24, line 11 (clause 38)—Leave out 'or' and insert 'and'.

Amendment No. 1:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment No. 1 be disagreed to and the following amendment be made in lieu thereof:

Clause 15, page 10, after line 1—Insert subclause as follows:

(3) If the Minister, in making a decision to which this section applies—

(a) grants an application contrary to the recommendation of a person or body to which the matter had been referred under this Part; or

(b) refuses an application contrary to the unanimous recommendations of the persons or bodies to which the matter has been referred under this Part,

the Minister must—

(c) give the reasons for the decision in writing at the time of making the decision; and

(d) on application by a person to the Minister's office, provide the person with a copy of the written reasons; and

(e) have a copy of the written reasons tabled in both Houses of Parliament within six sitting days after the making of the decision.

This subclause will overcome a problem that was created in the amendments moved by the ALP and supported by the Democrats. The amendment provided that the Minister could not disagree with any decision taken by any of the three bodies which had a right of consultation relating to the granting or otherwise of a licence.

The amendment was unworkable for two reasons, the first one being constitutional—that a constituted body could in fact take precedence over a Minister; and, secondly, it did not cater for a situation where there were differing recommendations between the bodies; the Minister could not disagree with the recommendations, and it left the Minister in an awful tangle. So, the intention of this subclause is that, if there is a disagreement with the recommendation of any of the bodies, the Minister shall be required to make known his reasons for disagreement, and that the person or body which has made the recommendation with which the Minister disagrees shall be notified in writing, a copy of the written reasons to be tabled in both Houses of Parliament within six sitting days of making the decision.

In my view, that overcomes the problem. It restores accountability to the process. It means that, if the EPA, the Retail Outlets Board or the Dangerous Substances Board have due and just reasons and they are overturned, the Minister responsible has to give very good reasons why the recommendation in question is overturned. So, that solves the problem.

Mr QUIRKE: I support the motion. I think it achieves the purpose that the Opposition originally intended in having some control over a possible situation in the future where a Minister may be acting contrary to advice. What we sought was to achieve the situation, should a Minister disagree with a recommendation, where it would be a matter for public debate. The amendment that was moved in this place and the amendments that were moved in the other place were aimed at achieving that purpose. The problem was, as the Deputy Premier has said, that there could be several sets of advice from a number of different agencies, and it would involve a question as to which one the Minister was bound to comply with, because it would be impossible for him to comply with all the advice if the advice is conflicting. We are satisfied that the subclause clears up the matter, and we believe that it greatly strengthens the Bill. It achieves the principles set down by the Opposition without necessarily making the legislation either cumbersome or unworkable. The Opposition supports the amendment.

Motion carried.

Amendment No. 2:

The Hon. S.J. BAKER: I move:

That the Legislative Council's amendment No. 2 be agreed to.

Motion carried.

MINING (SPECIAL ENTERPRISES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 2013.)

Mr QUIRKE (Playford): It gives me a great deal of pleasure to address this legislation today, and I will do so as speedily as I can, not wishing to keep the House here for any length of time. During the last non-sitting week I had the pleasure of visiting the Penrice operation at Osborne, the salt works at Dry Creek and the other enterprises associated with Penrice in South Australia. First, I want to put on the public record my support for this venture. Some would suggest that this is a sunset industry. My view is that South Australia can and should remain competitive in the production of soda ash for some considerable number of years, but obviously we will have to do something much smarter than we have been doing in the past, and Penrice is well aware of that.

I think Penrice should be commended, particularly for its efforts to clean up the environmental problems associated with the salt mine and various other chemical processes involved in the production of soda ash. I am grateful to the officers of Penrice for giving me a briefing on this matter. The member for Hart, in whose electorate the Osborne plant is situated, is also supportive of this venture and has visited the site. I understand that the member for Taylor has also visited the Penrice plant, has seen some of the good work that is done there and has been advised by the company regarding what it sees as one of the essential elements of its future operations. Of course, the electorate of Taylor takes in all the salt pans and associated works in that part of South Australia.

I was pleased with the speedy way in which the Mines and Energy Department and the various other agencies associated with this project addressed some of the concerns raised, one of those concerns involving native title. My understanding is that, during the debate this afternoon, the Government will move some amendments to the original Bill and one amendment, in particular, which will put the native title question to rest and which certainly has the Opposition's support.

In order to compete with overseas soda ash producers, Penrice needs to keep down its cost structure. The United States has a soda ash mine which, as I understand it, has a 500 year life expectancy, and its production figures are about

30 times that of South Australia's: 30 times more soda ash comes out of Montana in any one year and is shipped to San Francisco and from there to the rest of the world. Penrice believes that by reducing its costs—and that, in part, is what this Bill is about—even though it will have to go through intricate chemical technology to produce the end product, it can compete with the Montana operation which just pulls it straight out of the ground.

The Opposition supports industry in South Australia and acknowledges that about 316 people are employed by this enterprise. We understand that, with the successful amalgamation of the mining tenements, which form the central core of this Bill and which in a legislative framework will make the Penrice operation much easier, the legislative side of simplifying the operations of that industry will have been completed.

There are, of course, other proposals. I do not wish to take up too much time this afternoon in addressing those concerns, but the purchase of steam from the ETSA operation at Osborne and the co-generation of electricity—as I understand it, 5 to 6 per cent of the electricity grid at some stage in the future—and the eventual contractual obligation for the buying back of that electricity for South Australia will also help in the whole regime of reducing costs by about $30 per tonne. That will mean not only the continued viability of this enterprise but also an increase in the number of employees to about 500, and there will be an increase from 600 000 to 950 000 tonnes of salt crystallised at Dry Creek and from about 330 000 to 500 000 tonnes of soda ash (the end product). Indirectly, with the multiplier effect this will lift employment in South Australia by about 500.

The Opposition supports the legislation and it supports the enterprise. It commends Penrice for the environmental work that it has done and is doing. Indeed, on behalf of the Opposition, I congratulate Penrice, which since 1988 has operated a successful industry in South Australia. It has managed to employ a large number of South Australians, and we wish it well in the future.

This legislation is an example of a bipartisan approach in this House where both sides of politics realise that it is necessary in South Australia to have industries like Penrice. Not every debate in this House has the same bipartisan approach, but on this one the Government and the Opposition are moving along the same path. It is appropriate to warn the MFP Australia people, who seem to have their eye on some of the Penrice lands. They ought to take note of the fact that Penrice is still a viable employer in South Australia. As I understand it, from comments that have been made to me, the relationship between Penrice and the MFP is not necessarily all that it should be. It should be placed on the public agenda today that Penrice has made it very clear to me that it is happy to talk to the MFP people at any time.

A couple of issues need to be raised in relation to that, and the first is the provision of water. The MFP has gone along with various other water reclamation schemes in that area and has discussed with potential users the use of surplus Bolivar water. I understand from the MFP that, unfortunately, Penrice, which is one of the great consumers of water in that area, has not been offered water at anywhere near the same rates as other water users. The second point relates to the future of the salt pan operations.

Penrice owns approximately half of the salt pan operation—the crystallising area—and the other half is a Crown lease. The MFP has managed to have its core area cover the whole of that zone, including the land that is owned freehold by Penrice. At some stage in the future it may make a play for that industry. I make it clear that 500 jobs in South Australia makes it a very significant employer. It has a very large multiplying effect, and I do not believe the Opposition in South Australia will support any extension of the MFP into that area to the detriment of a very significant South Australian employer.

Mr FOLEY (Hart): I support the Bill and concur in the comments of the previous speakers. As members may or may not be aware, Penrice Soda is in my electorate, the electorate of Hart. Previously it was the ICI Corporation, Penrice being the result of a management buy-out back in the mid to late 1980s. Penrice is dealing with major expansion in a very positive way, and it is doing as much as it can to ensure it takes the community along with it. The reality is that there are problems with the location of residential homes close to Penrice Soda. That is not the fault of the Penrice management, and nor is it the fault of the residents.

It was extremely negligent of Governments of years gone by to allow housing to be built so close to what is clearly a difficult industry and an industry that will always create some difficulties for nearby residents. Over recent years Penrice has implemented a number of mechanisms to deal with those community concerns, and I applaud it for that. It has kept the community informed at every stage of this development. My understanding is that it has presented this development to the local Port Adelaide environmental forum, which comprises local residents and environmental and industry groups. I understand that the forum has accepted and endorsed the plan. Penrice Soda is spending some $7 million to $8 million over the next four or five years to enhance its environmental management of the plant. It is addressing the issues of noise, dust emissions and the visual appearance of the plant.

Midway through last year I chaired a community forum at which concerns were expressed about the level of dust emanating from the plant. The company supported me in my approach to the Government to have the EPA put some monitors in place to ensure that the emissions were within acceptable levels. That occurred, and it was found that the emissions were within acceptable levels. That illustrates the way the company has been prepared to work with me as the local member for this area. However, having said that, a number of residents have genuine concerns about the emissions from the plant and the noise. I do not underplay those difficulties at all, because they are real and the residents should not have to suffer some of the difficulties that they do. The company has recognised that and it is putting up some $7 million to $8 million to address those problems as much as possible.

Penrice has appointed a senior environmental manager for the very first time—a gentleman by the name of David Atkinson. That is a very progressive move from a company that wants to seriously address these environmental issues. I only wish that many other companies in South Australia had the same progressive and community-based approach. If we had more companies like that, perhaps we would have less conflict and we would have less opposition from community groups. I express my appreciation of the work of the Penrice management team, including Ron Knutson, the General Manager, Steve Smith, the Managing Director, and many others who brought me into the process in the early stages, sought my advice and kept me informed of developments. They have been prepared to accept my criticism where it has

been provided and to accept issues that I believed they should take account of. I acknowledge that.

I also acknowledge the work of the local environmental forums, local councillors and others who have also had to grapple with this very complex issue. With those few words, I point out that this is an exercise in good Government and in good community relations by this company, and it is good work by the Opposition because we are constructively supporting the Government in this measure. All around, to quote one very senior member of this Parliament, 'It is a win-win.'

Mrs HALL (Coles): The passage of this Bill is of significant import to the mining industry here in South Australia. It could prove to be of enormous economic significance to South Australia, and I am very pleased to support the legislation. The mining industry has been a significant contributor to South Australia's prosperity over the years. Along with the farming and pastoral industry, it has provided our State with a very sturdy rural backbone. The importance of the copper mines to the early South Australian economy in Burra, Kapunda and the world-renowned field of the Moonta-Kadina-Wallaroo triangle are well documented parts of our history. Now the activity at Roxby and the continuing productivity of South Australian oil and gas fields provide a modern equivalent.

This Bill will provide the framework for an even brighter future, not least by easing the administrative constraints so often encountered in dealing with major mining developments. This Bill will streamline consideration processes for new developments and it may, in some instances, prove of assistance to some projects already under way. This legislation seeks to press home the advantage created by the fine work performed under the South Australian exploration initiative.

I pay tribute to MESA for its planning and foresight in setting up this continuing program of assessing our mining potential. It is a story that reflects well on all involved—the Government, the Minister, the department and the private sector companies and investors who respond to the newly revealed South Australian potential. We now enjoy a well deserved international reputation as a world leader in innovation discovery techniques, particularly in the area of aerial magnetic and radioactive surveys. This work has confirmed that ours is a State rich in natural resources and that huge economic benefit is to be derived from the extraction and processing of these assets. However, the mining industry's perception of prospective exploration and mining acreage is influenced not only by geological prospects and world economic factors but by the Government's mineral, environmental and land use policies. A signal must be sent, and I believe we have done just that.

Considerable funds were spent on state-of-the-art grass-roots exploration technology to determine the viability of our resources. The Department of Mines and Energy has promoted the encouraging results with some vigour, as we have all observed. Consequently many national and international mining companies such as Inco, Cominco, the Zinc Corporation of America, Newmont and Falconbridge have shown an interest in coming to South Australia to conduct further exploration with the intent to mine.

I note with interest the comments of the new Director of Mines, Mr Andrew Andrejewskis, in this morning's *Advertiser*. He said:

> The prospects are excellent. The South Australian exploration initiative, for which the State Government has guaranteed a further $7.5 million in funding, was a wonderful initiative that was exciting industry interest in the State's prospects.

South Australia is also recognised as the national leader in designing programs to entice and encourage the mining industry to invest. Time waits for no-one, as we know. Our friends in other States have already become our competitors. While we have invested $16 million in these endeavours, Victoria, Queensland and New South Wales have since jumped on the bandwagon and invested large sums to discover and promote their own resources. Despite this, we are still taking steps to maintain our initiative. The other States have not as yet addressed appropriate legislative frameworks to make it all happen for them. By passing this Bill we can capitalise on and sustain our advantage by ensuring that our climate is right for investment.

South Australia's current Mining Act was set up in 1971. It has undergone amendments, but it now requires further attention. It needs to be updated to handle the major mining developments which often require large areas of land within one mining concession. Typically, these leases include the mining area, the corridors for provision of services and utilities, land for treatment and refining plants, land covering areas of proven potential for additional ore bodies and possibly even land for housing the work force. So, despite the many amendments, the Act as it now stands left us with no option but to amend it again. These amendments should create a climate wherein mining investors can be attracted to South Australia and in the knowledge and confidence that an appropriate regime exists to deal with large projects and that the regime, as in this Government, recognises the differing requirements of various projects.

The amendments in no way diminish the rigorous environmental and social impact assessments of projects, but they provide much needed flexibility in that they allow exemptions to administrative constraints when dealing with major mining developments. This Bill establishes the concept of a special mining enterprise. For an enterprise to be considered in that light it must be of major significance to our State's economy. As such, for an exemption to be granted, a project proposal clearly defining the enterprise will have to be ratified by Executive Council. Such a proposal would need to set out the nature, extent and scheduling of the mining development and include an economic analysis. Social and economic impact assessments must also be provided by the proponent. These would include the method of land rehabilitation and measures to protect Aboriginal sites and objects.

The Aboriginal Legal Rights Movement has asked that holders of native title not be discriminated against and that this principle be specifically enshrined in the Bill. This Bill in no way tramples on the Mabo judgment, and it does not seek to circumvent it. In fact, the Pitjantjatjara and Maralinga people have been supportive of exploration thus far. This Government is mindful of its responsibility to restore economic prosperity to our State. It is my hope that over time more Australians will visit mineral producing areas and witness at first hand their importance and the determination of the people who turn these projects and investments into successful enterprises.

In putting these remarks together I thought of the mines that I have had the privilege and opportunity to visit, including Ranger Uranium, the opal fields in South Australia and New South Wales, Roxby, Leigh Creek, the Cooper Basin and Argyle in Western Australia. It was at the Argyle

mine that I underwent a very suspenseful moment. Following an inspection of the plant and a look at an amazing quantity of uncut and extremely valuable and colourful gem stones, I went through the security screening. To my relief the light came up green and the random body search was avoided.

We are keen to attract new business investment to South Australia. Somewhere out there lies the basis for new mines and new wealth for this State. Will it be more oil and gas, another Roxby perhaps, gold, base metals or diamonds, perhaps all of those or a major development of some of them which may fire South Australia's imagination? This legislation is part of our plan. It sends the required signal that we will help and not hinder, that we will encourage and not compete, and once again it reiterates the December 1993 message of the Premier: South Australia is open for business. I support the Bill.

The Hon. D.S. BAKER (Minister for Mines and Energy): I thank the shadow Minister and the members for Hart and Coles for their contributions. This Bill highlights the need for careful consultation. We have at all times in introducing this Bill informed and briefed the Opposition. I pay tribute, as did members opposite, to Penrice, which has been forthright in briefing us all on its needs now and into the future. The result we are getting—and I will move one small amendment to clarify one clause—highlights that if everyone is properly and adequately briefed we can all work together for the good of the State. I thank the member for Coles, who is on my backbench mining committee and contributes well to that committee. She put a lot of work and effort into her speech today, and I thank her for that.

The Bill is aimed at making important changes to the Mining Act and ensures that we get on with these changes to a major project in this State. It is something that is long overdue in South Australia and clears up some of the anomalies and hold-ups that have been in place, and everyone should applaud its aim. I thank the Opposition for its support and have much pleasure in commending the Bill to the House.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr QUIRKE: The Opposition has no amendments to this Bill and will support the Government's amendment to clause 5.

Clause passed.

Clauses 2 to 4 passed.

Clause 5—'Insertion of part 8A.'

The Hon. D.S. BAKER: I move:

Page 4 after line 8—Insert new subsection as follows:
(3A) An exemption or modification may not be granted or made under this section so as to discriminate against the holders of native title in land.

Mr QUIRKE: I support the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

WATERWORKS (RATING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 March. Page 1941.)

Mr FOLEY (Hart): This Bill concerns the Opposition, and I will telegraph the Opposition's position immediately: we oppose the Bill. Towards the end of last year when the Government chose to introduce a user-pays pricing mechanism for water, the Opposition opposed it publicly and, to be consistent with our public position, we oppose this Bill today. Despite the Government's arguments, neither I nor my colleagues have been persuaded as to the merits of doing away with what was a well-structured, fair and equitable pricing structure for water in favour of the Government's zeal for reform and its wont to take more money from the community in the way of water charges simply to prop up its own failed budgetary strategy.

Water rates in this State have a long history and I suppose it is the nature of politics that it is not that many years ago that members who sat on this side of the House—presently the Government—had their own views about water pricing in this State. Without wanting to pour over the details, I must say that I remember certain actions being taken in the Supreme Court. I remember seeing on television the present Minister for the Environment and Natural Resources and the present Minister for Industrial Affairs triumphantly coming out of the Supreme Court of South Australia where they were able to thwart the then Government's moves to adjust water pricing.

Towards the end of the last Parliament, a select committee looked at the former Government's plans regarding the future of the EWS. So, members opposite have always played politics with the issue of water. The point I make is that I just will not accept from members opposite the suggestion that the Labor Party is being anything but constructive in its opposition to this Bill. The Government's antics with respect to water pricing are well documented and well known.

The Government chose to announce the increase in the price of water after Parliament rose at the end of last year. I was disappointed that the Government did not announce the increase in Parliament because we could have debated it at that time. For whatever reason, the Government chose not to announce the charges in Parliament and, unfortunately, that is a consistent trait of this Government—to hide or to retreat from debating issues of such importance in Parliament by waiting until Parliament has risen to announce these things by way of press release. I am disappointed that the Government chose to adopt that process and I hope that, with future cases of price adjustments, the Government has the courtesy to provide the details to Parliament. I ask the Minister to relay to the Government that it is the Opposition's view that the Government should make such announcements in Parliament.

This is basically a twofold Bill. In the first instance, it legitimises the user-pays mechanism. It creates new categories of user-pays from 'residential' and 'non-residential', which will be replaced with the definitions 'commercial' or 'non-commercial'. As some of the Minister's advisers will attest, or perhaps as the Minister said earlier it is that I am a bit thick, I have had some difficulty with these definitions. The Minister actually pinched that line from the Premier because he called me as thick as a brick some months ago.

The Hon. J.W. Olsen: I said it in kind way.

Mr FOLEY: I took it in the nature it was given. It might be as a result of my poor educational background but I do not understand the definitions of 'commercial' and 'non-commercial'. I was brought up to believe that a commercial enterprise was any business that traded but, for the purpose of this Bill, 'commercial' means wholesale, retail or service industry.

The Hon. J.W. Olsen interjecting:

Mr FOLEY: Is that what it is? 'Non-commercial' includes a manufacturing organisation. So, for the purposes of this Bill, General Motors-Holden's is non-commercial. I suspect that is a moot point, and I had some difficulty in trying to comprehend that. Under this Bill, in most cases the cost of water to manufacturing industry will be reduced, although I understand that some manufacturing industries will pay more for their water. I will pursue that matter in Committee. The Opposition does not have a problem with that and it supports the Government's desire to reduce the cost of water to industry. As someone who is on record as being one of the more pro-business members of this House, I fully support such a measure.

However, what I do not support, and what the Opposition does not support, is that measure being at the expense of families, of real people who are doing it hard. This Government is shifting the burden from business to families and I think that is wrong. I do not think that the community at large—ordinary South Australians—should pay more for their water so that business can get it cheaper. If this Government were serious, it would not slug the average person at home more for their water and pass on the saving to business. It should not be so greedy when it comes to the dividends it takes from the EWS.

I am sorry that the member for MacKillop (the former Leader of the Opposition twice removed) is not in the Chamber because, when he was Leader of the Opposition, he made a very famous statement about Governments using their trading enterprises as milch cows. He was a very strident critic of that. I would be interested to know what his comments were around the Cabinet table.

Members interjecting:

Mr FOLEY: That was in opposition. As I am rapidly learning, in opposition one takes positions that are different from those taken in government. However, the bottom line is that this Government took $30 million from the EWS last year. I am sure it has every intention of taking a whole lot more than that next year. Indeed, Professor Cliff Walsh said last week that one of the ways that the Government can fund a budget gap is to take more money from its trading enterprises.

Why should people at home have to pay more for their water whilst industry gets it cheaper and the Government gets a greater tax dividend? I would have thought that a more equitable, fair and decent way to approach this would be not to slug the householder but to return a lesser dividend to the State Treasury and pass those savings on to industry.

Our opposition to this Bill is not predicated on an anti-business structure. We are quite happy and prepared to support Government initiatives to reduce the cost of water to business: we just do not think it should be at the expense of families. I think that is a fair position. I suspect that many members in the Chamber, particularly those whose margin is under 6 per cent, would agree with me because my electorate office has been literally inundated with complaints from constituents in my electorate and, indeed, from many other electorates, concerned at the ever-increasing price of water in their electorate.

The Opposition will move an amendment tonight to reintroduce the free water allowance, consistent with what I have said previously and also consistent with the Bill. In the Bill the Government is prepared to provide a courtesy to the commercial sector and to business that it is not prepared to provide to the community. So I will be moving in this Committee the reintroduction of the 136 kilolitre free water allowance. I urge all members of this Chamber to think through the issue. It is not a big ask that Liberal backbenchers think carefully about this. They have a chance tonight to say to their electors, 'I do not want to have to impose upon you a $25 a year tax grab. I will do something about it: I will support the member for Hart and reintroduce the provision for the first 136 kilolitres of water.'

The Hon. J.W. Olsen: Don't hold your breath.

Mr FOLEY: The Minister tells me not to hold my breath. I suspect it is a faint hope that some members would put their electors before the Government. I also suspect that there are very few, if any—there may be a couple; I would not be surprised if one or two found their way over here later tonight—

The Hon. J.W. Olsen interjecting:

Mr FOLEY: You've paired them off, have you? It is a gentle appeal on behalf of South Australians to the good judgment and good sense of the Liberal backbenchers to give some consideration to the people doing it hard and tough and to bring back the free water allowance.

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! The Deputy Speaker will join in the naming of names if members are insisting.

Mr FOLEY: Feel free, Sir. The issue of strata title units has been a real mess. I am proud to say that I had a role in bringing some sense to this Government in the way in which it is approaching the issue of strata title unit holders. Two weeks before Christmas we had a silly notion that under the user-pays system this Government would send the bill to unit No. 1. If you had a strata title set of units with, say, 10 or 20 units, the bill would lob in the letterbox of unit No. 1. That unit holder would be legally liable and would then have to knock on doors to collect a share of the water bill from other tenants.

I was horrified, as indeed were many other South Australians. Many individuals made representation to Government as did strata title unit managers. I made representation in my usual constructive non-confrontationist style and the Government saw sense. I give the Minister credit for the fact that, unlike others, he is prepared to say that he got it wrong and that he should do it differently. It took a little time—a week or 10 days—and the Minister realised that he could not have this ludicrous situation where all sorts of people occupying unit No. 1, including the elderly, would be put under enormous stress in basically having to become the Government's tax collector. Over time this Minister came to that realisation.

As he is a very good performer in this Chamber, he proceeded to misrepresent the fact that he had backed down. Many would remember that day in the Parliament, as I walked out with a few bruises around my ears. However, when one reads *Hansard* one sees that the Minister had cleverly disguised a significant back down.

Who can claim credit for putting pressure on the Government is really not the point: the reality is that the Government did make changes. I still do not believe that the changes are sufficient. Essentially, the Minister will give strata title unit owners through their strata corporation the opportunity to devise their own split of the bill—how they believe the bill should be apportioned to each of the unit holders. In the event of failure to do that, the Government will automatically bill each strata unit holder their proportion of the bill through the simple arithmetic of the bill divided by the number of units.

I think it is wrong that people should have to pay for more than they actually use. Clearly, the Government did not think

through the ramifications for strata title unit holders anywhere near sufficiently when it put these measures together. I understand these measures have the support of the Strata Corporations Association because it is the best deal it can get, but I still do not think it is right. In this day and age, that should not be the scenario. If we are to have user-pays, at least we should have the decency of somehow being able to measure the amount of water people are using.

Of course, at the time one of the Government's suggested solutions was that owners could look after themselves by installing a water meter. What does a water meter cost? If one purchased an officially sanctioned EWS meter, it would cost at least $800 or $900. That is pretty unfair. If one were to purchase a cheaper water meter to measure accurately the amount of water used, but without the authorisation of the EWS, that would cost $150 to $200.

So, here was the Government's solution: $900 for an EWS meter; $200 for a K Mart meter. Either way the taxpayer loses out, and that is very unfair. I make the prediction this evening that this Government's problems with strata title unit holders is only beginning. One of the Government's arguments would be that this is the same system that was in place when the former Government was in power, but it is not. It might have been the same methodology, but with the free water allowance only some 5 to 7 per cent of homes received a water bill.

The Hon. J.W. Olsen interjecting:

Mr FOLEY: I am told by industry that it was 5 to 7 per cent. The reality is that, even when they got those bills, they were small, so having to divide up the bill was not necessarily a difficult task. Now the bill will be more substantial: there is no free water allowance, so the problems that will be forced upon strata title unit holders will be significant. The Government has the numbers in this place and may well have the numbers in another place, and this will probably be law. In fact, in the best part it is already being implemented. But I make the prediction that, as water rates invariably do, they will cause headaches for this Government. In 12 months time the Minister will probably rue the fact that he took this path. The Opposition will be opposing the Bill in its entirety, except for an amendment that I will be moving tonight dealing with reintroduction of the free water allowance. I have already spoken on that, so I do not need to repeat it.

The whole decision of the Government to introduce a user pays pricing mechanism for water had far greater strategic importance. It was not just because it felt that it could create a more significant dividend for itself at budget time: it was the precursor of what will be the nation's largest water outsourcing contract. Clearly, it wanted in place a more transparent, more commercial method to price its water so that, whenever the successful tenderer for the commercialisation of our State's water takes over, it will have a more commercial water pricing mechanism. At the time, that was not apparent to us because the Government had not completely taken us into its confidence about what it intended to do, but since Christmas it has become apparent, as the Minister moves to outsource some $1.5 billion to $2 billion worth of EWS expenditure over the next 15 to 20 years.

This is not the time to debate that issue: that will happen in other forums and within this place at other times. But it is worth putting on the record that there is a linkage between the price consumers pay for water and the profit that the organisation makes from that operation. I want to draw to the attention of the House a little of the reality of what has occurred in England. I do this for the very important reason of stressing that linkage between the price of water the consumer pays and the profit made by an organisation which runs that water utility.

Let us look at the situation before privatisation in England. I will not go through all the water companies but merely mention a couple, in particular, North-West Water and Thames Water, two companies bidding for the State's water supply. With Thames Water, the average water bill to the consumer before privatisation was £101. Just a few years later under privatisation in 1994, the average bill per consumer in the Thames Water area was £162. So, there had been a 60 per cent increase in the price of water over that period. That is a substantial increase in the price of water.

The Hon. J.W. Olsen interjecting:

Mr FOLEY: The Minister would be interested to know where I got these figures from. The reason I raise this matter is not so much to debate the issue of outsourcing, which can be done at another time, but to create the linkage between the price one pays for water and the profit one generates from running the utility. The profit for Thames before privatisation was £207 million, although it has not performed as well as some others. It is now £242 million, up 17 per cent. If we look at North-West Water, its average water bill per consumer was £110; after privatisation, £182, a 65 per cent increase—well in excess of CPI, as my learned economist friend would attest to.

Let us look at the profitability of North-West Water in that period. It went from £44 million to some £269 million. People can make up their own minds what those figures mean. I am not casting any aspersions on the operation of those utilities in England: I merely make the point that there is a linkage between the price one gets and the profit that the owner of the utility makes. There is another player in all this, and that is the Government. As I noted earlier, the Government was more than happy to take a $30 million dividend from EWS this year, and Cliff Walsh has set the scene, and I am sure that the Treasurer will be keen to take more.

The Hon. Frank Blevins interjecting:

Mr FOLEY: Perhaps, as my colleague the member for Giles indicates, the figure could be closer to $60 million.

The Hon. Frank Blevins interjecting:

Mr FOLEY: It ought to go to hospitals, but I suspect it will not. But that is a significant dividend for any Government. Unfortunately, it is the householder who is getting squeezed. The Minister is attacking reform in this area on many fronts and certainly moving with some speed. I wish that he would not move with the speed with which he is moving, but it is his right to do that. Equally, it is the right of the Opposition to scrutinise and to ask questions. Alluding briefly to the issue of outsourcing, as the Opposition has consistently maintained, we are providing constructive opposition on that issue. We are asking questions, scrutinising, probing, and we are doing so because we believe that the community of South Australia must scrutinise this process correctly.

It must not allow the Government to make decisions of such significance and monetary value without proper scrutiny and probing by both the Parliament and the Opposition particularly of a Government that has continually made much mileage from the issue of the State Bank. A perusal of *Hansard* of the early 1980s indicates that the level of scrutiny in this Parliament of the then Government's decision to merge the bank and to create the State Bank was fairly low. The then Opposition (now Government) really did not ask many tough questions—and by that I am not apportioning

blame for what happened: that issue has been done to death. The point is that, with such significant contracts, it is imperative that the Parliament of the day have a mechanism to scrutinise, to ask questions, to put the Government to the test, to put industry to the test and, through that process, the Parliament can make an informed decision as to whether it thinks it is a good deal or a bad deal for South Australia.

The Democrats' decision today to join with the Opposition and move for a select committee in the Upper House into the outsourcing of EWS is taken as a constructive approach by the Opposition in keeping with our constructive approach to this whole process. As the Minister would attest, the Opposition supported the corporatisation of EWS. It is now choosing its legitimate right to scrutinise the Government's intention with respect to the outsourcing of EWS. We will do that constructively with the legitimate welfare of South Australia's future in mind. That is the only reason it is being done, and that is the way we will conduct the inquiry.

We will be moving an amendment to reintroduce the free water allowance. I ask all members of this Parliament who are listening to this debate to think very seriously before they vote on it. I foreshadow the Opposition's decision to oppose this Bill, because we do not think it is fair and right or the way the Government should be heading with respect to the price of water.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I am disappointed that political opportunism has taken over the agenda of the Opposition. As the member for Hart indicated last year, members opposite did support our outsourcing proposals for the EWS Department. I welcomed that bipartisan support, but I note that in relation to water rating it has evaporated very quickly. What members opposite are about is political opportunism and the development of fear and anxiety in the minds of consumers when there is absolutely no substance whatsoever to any argument for developing that fear and anxiety for South Australian consumers with regard to water as a result of the outsourcing proposal, as the Opposition knows full well.

Let me rebut a number of points that were made by the member for Hart. He talked about the increase in cost to domestic consumers and stated that it had brought upon this proposed amendment. The simple fact is that residential consumers have an increase of about 2 per cent or thereabouts, and CPI is running in the order of 2 per cent. So, the adjustment we have made to residential water rates in South Australia is in line with the consumer price index, in effect, and residential consumers are not subsidising commercial and industrial consumers of water. The productivity and efficiency gains that have been achieved by EWS, as with the Electricity Trust of South Australia, have been put in place to remove the cost of cross-subsidisation by business to residential consumers—not to increase residential above CPI—and to remove the impediment for employment, job creation and growth in South Australia. That is what this Government is about. We made a commitment and promise to the electorate that we would generate jobs through these small-medium business enterprises. What we are attempting to do is bring down the cost of running a business operation in South Australia and competitively base it against other States.

Had there not been an increase in the dividend as a result of productivity and efficiency gains, I wonder what the member for Hart would want the Government to do as an alternative—curtail further expenditure on schools, hospitals, roads and police services? The member for Hart would know that you cannot have it both ways. Government trading enterprises in South Australia—ETSA and EWS—have reduced very significantly the impact and pain of the Federal Government's high interest rate policy. Had it not been for the Government's trading enterprises, I can assure the honourable member that Prime Minister Keating's interest rate impact on the budget in South Australia would now be being felt throughout the South Australian electorate. The simple fact is that we are attempting to balance a very difficult set of circumstances which have been inflicted upon us by the member for Hart's Federal counterparts, and he well understands that because he was involved in the Premier's and a senior Minister's offices and understands the impact of Federal policies inflicted upon State Government instrumentalities.

The Hon. Frank Blevins interjecting:

The Hon. J.W. OLSEN: We want a reduction in the pressure on interest rates so that business will gain confidence.

The Hon. Frank Blevins interjecting:

The Hon. J.W. OLSEN: The Federal Government has given forward commitments in disbursements to the States. I hope the member for Giles is not suggesting that the Federal Government should renege on the disbursement formula that it has in place for the States. What the Federal Government ought to be doing is putting in place some of the reforms it is asking the States to implement. Talk about requiring us to do one thing while it talks about and does not act upon those reforms!

In relation to the abolition of the allowance, what we are attempting to do is put in place a user-pays principle, and we make no apology for that. Conservation is important, and I have no doubt the Australian Democrats will respond to the conservation principles embodied in this new water pricing system that we have put in place. We have a finite resource, as the honourable member well knows. Any household that undertakes simple conservation methods will not have to pay any more.

Mrs Geraghty interjecting:

The Hon. J.W. OLSEN: It is true, and the simple fact is that Labor Party members do not want to respond to that because it nullifies their arguments.

Mrs Geraghty interjecting:

The DEPUTY SPEAKER: The honourable member will have a chance to ask questions during the Committee stage of the Bill.

The Hon. J.W. OLSEN: What we are talking about is a maximum increase, if full entitlement is used, over and above previous water bills of some $20. I now turn to the question of strata titles. The honourable member at least had the grace to admit that we now have put in place multiple choice for strata title owners, which we have been working on in the EWS from last year. It was not a 'Johnny come lately' scheme. It was being reviewed in terms of computer runs to model outcomes of multiple choice for strata title unit owners, and we were intent on not making any specific announcements on that until we had a method and a computer program that could deliver. We now have it, and the announcement was made.

It is hypocritical of the member for Hart to say that we have messed up this method of charging for strata titles when in fact it has been in operation for 40 years. The member for Hart's past ministerial colleagues took no action—and he

knows they took no action—to fix the problem. At least this Government has been prepared to take decisive action and move down the track of minimising the impact.

The simple fact is that people go into strata title units because they amortise the cost of a number of units over one area to get cheaper accommodation than they would have as a single unit. Other households out there, as a result of the former Government's determination on charging $831 for a new connection—it was not this Government but the former Government which introduced that regulation and fee—

Mr Foley interjecting:

The Hon. J.W. OLSEN: It has only been adjusted by CPI since we have been in Government.

Mr Foley interjecting:

The Hon. J.W. OLSEN: Yes, but only by CPI. There has been no movement away from what you did. However, it was the former Government and not this Government that put it in place. To put in place individual meters, we are talking about $36 million of Government or individual funds. People live in strata title units because they can amortise the operating costs of those units. When they were built, the tenants did not have to pay a connection fee which every individual in South Australia now has to pay. In terms of equity, strata title unit holders should not be treated any differently from an individual household. That is a principle that the former Administration put in place, and one that has been followed through in this Bill: equity in the provision of water supplies to individuals. That $36 million could be better spent in other ways. That is why we have given a multiple choice to strata title corporations as to how they allocate their water bills within those corporations.

I want to move on to the irrelevant subjects which are not related to the Bill but which the honourable member canvassed. One was in relation to an increase in water rates as a result of outsourcing. Let me say for the third time today that what Northwest Water is charging or what the increase has been in the UK is totally irrelevant to South Australia: there is no comparison because we are not selling the assets and we are not giving the private sector company the capacity to set water or sewerage rates. The Government of the day will set water and sewerage pricing which, as it is now, is the lowest in Australia and which, while I am Minister, will continue to be, thus retaining a cost competitive advantage for South Australia.

That is an objective of this Government, and that is why the outsourcing is being structured in the way in which it is: to provide protection for consumers in South Australia and not leave them to the mercy of private sector determination or an independent assessment of water pricing and sewerage. There will not be escalations in water and sewerage prices as a result of the outsourcing—and, what is more, the honourable member knows that full well. Of course, when facts do not support an argument, just ignore the facts and get on with the argument on the basis of political gain. I understand what the gain is about. I ask the member for Hart not to play with the emotions, fear and concern of water consumers in South Australia when there is no legitimate basis for creating that concern and fear.

In relation to the select committee, from left field it seems that the Canberra by-election has refocussed the Labor Party in a way in which it has not been focused for a long time. No doubt the Federal budget is being recast. The discussions I was due to have last week with Laurie Brereton and Peter Cook were cancelled because budget considerations and recasting were the order of the day. One would hope not, but it seems that they are looking at political survival. The same could be said of this Opposition. The bipartisan principled approach of the past seems to be dissipating somewhat in terms of political opportunism.

The Government notes the proposal to establish a select committee. The Government would not want that to interfere with, delay or impede the outsourcing process, and it does not need to. I am sure that the evidence that would be put before that committee, whether it be related to pricing or a number of other matters, would simply reinforce that view, provided the representatives on the committee are objective and do not take the political opportunism line that the Opposition is currently taking. If it intends to continue with its bipartisan objective assessment of outsourcing, as it did last year, I have no doubt that there will be one outcome of that select committee and that will be, as EMIAA has said, that it is the right strategy in the right direction and, appropriately, it is setting South Australia apart from the other States of Australia in terms of economic industry development while at the same time protecting consumers in terms of price rises in the future. I indicate to the House that, quite obviously, the Government will oppose the amendment that has been tabled by the member for Hart. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Substitution of divisions 1 and 2 of part 5.'

Mr FOLEY: I move:

Page 3, after line 9—Insert subsection as follows:

(6) Payment of the supply charge in respect of residential land for a financial year must be credited against so much of the water consumption rate as accrues from the supply of the first 136 kilolitres of water to be supplied to that land in the consumption year that ends in that financial year.

The amendment seeks to reintroduce the free water allowance. As I stated earlier, it is the Opposition's belief that it is only fair that the community (families, households and individuals) not have to provide the subsidy or pay the price of the Government's decision to reduce the price of water to industry. The Opposition supports the Government's move to provide cheaper water for industry, but I would rather that it did so by taking a smaller dividend than by making ordinary households pay. Contrary to the Minister's comments that this is a politically opportunistic move, it is not: it is about a good Opposition that wants to stand up for the people who are finding it hard to pay increased bills. I urge all members, particularly my colleagues on the other side, to show a little compassion and concern for their electors and defeat the Government's process to massively increase the price of water. I urge members to support my amendment.

Mrs GERAGHTY: I support the amendment.

Mr Meier interjecting:

Mrs GERAGHTY: Would you prefer that I did not?

Mr Meier interjecting:

Mrs GERAGHTY: I am sure you would. I also want to say that this Bill places a great deal of hardship on the community, particularly families on a low income. I would like to mention a couple of things, particularly with regard to large families whose income is pretty well stretched to the limit. This is just another burden. The Minister said that it is only $20. I do not believe that but, even if it were only $20, that is a great deal of money for many low income families. The Government talks constantly about its consideration of

the community and families, but it is not showing that by introducing this sort of uncaring Bill.

As we know, many elderly members of the community live on a restricted income and quite often their only source of pleasure is watering their garden, and often that can be very therapeutic. I know that that sounds quite strange, but it is important to consider that. The fact that elderly and low income people do not water their gardens contributes to severe cracking in many homes. We have just experienced a very dry spell, and people not watering their garden has contributed to another cost that they will have to bear to repair their home. So, I support the member for Hart's amendment.

I raise again the issue of families who have handicapped children. Some families have one, two or even more. I have some families in my electorate who have handicapped children. You cannot put these kids under a shower for only two minutes. They need baths. They use a lot more water. The amount of laundry for these families is increased because they have handicapped children. Their budgets are already stretched because of the medical needs of those handicapped children. This legislation will increase the burden on the family. The only way I can see that they can manage to pay even a little extra is to cut back on something, and most likely the only thing they could cut back on is the food bill because there is nothing left for any other pleasures. If they cut back on their food bill, that is taking something away from the family again. This is outrageous. I have several bills that prove that it will amount to more than $20.

The Hon. J.W. OLSEN: The Government opposes the amendment because it strikes at the heart of the new water pricing system. In my second reading response I explained the strategy behind the Government's move. We oppose the amendment.

The Committee divided on the amendment:

AYES (8)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D.	De Laine, M. R.
Foley, K. O. (teller)	Quirke, J. A.
Rann, M. D.	White, P. L.

NOES (29)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Olsen, J. W. (teller)	Oswald, J. K. G.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Wade, D. E.
Wotton, D. C.	

PAIRS

Geraghty, R. K.	Leggett, S. R.
Stevens, L.	Penfold, E. M.

Majority of 21 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (4 to 7) and title passed.

Bill read a third time and passed.

[Sitting suspended from 6 to 7.30 p.m.]

STATUTES AMENDMENT (CORRECTIONAL SERVICES) BILL

Adjourned debate on second reading.

(Continued from 15 March. Page 1942.)

Mr FOLEY (Hart): On behalf of the Opposition and the Hon. Terry Roberts in another place, I support this Bill. After detailed consideration and consultation we believe the Bill as put forward by the Government should be supported. Essentially, it covers a number of areas, mainly the issue of drugs in prisons: the Government is moving to improve the current situation with respect to urine sampling. The Opposition supports any move to stamp out drugs in our State's prisons and we will commend any action by this Government that is directed towards the task.

Clearly, the issue of drugs in prisons is an important one and one about which the Opposition shares the Government's concern. We will support any appropriate measure. That does not give the Government *carte blanche* to do what it likes regarding drugs in prisons, but it is an important issue and one that Governments throughout the world have to combat. This Minister will find life a little more difficult as a result of having to address the issue of drugs in prisons than perhaps he thought as shadow Minister or in his first couple of months in government.

The Minister is on the record as saying that he will eradicate drugs from our prisons system and that essentially 'there would be no drugs in prisons' after his first term in government. We all knew at the time that any attempt to eradicate drugs entirely from our system would be a futile exercise as it is not physically possible.

The Hon. W.A. Matthew interjecting:

Mr FOLEY: The inference of the Minister's comments in his early days in the ministry was that he would rid our prisons of drugs. By that I do not mean that he thought that he could reduce it to zero, but he was certainly of the opinion that he could greatly transform the drugs in prisons issue well beyond what any other Government had been able to do.

The Bill also refers to parole and the need for prisoners to sign off on their parole conditions—another issue the Opposition supports. Perhaps for the first time in the life of this Parliament the Minister has introduced a Bill that the Opposition and I support, so the Minister should enjoy his moment of bipartisanship, infrequent as they are. We are pleased to support the Minister in this instance.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (FEMALE GENITAL MUTILATION AND CHILD PROTECTION) BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 2015.)

Ms STEVENS (Elizabeth): The Opposition supports this Bill, which we believe is long overdue and is an important addition to our statutes. It is important that female genital mutilation be seen as just that and is not described as female circumcision: it is a mutilation. It has no religious or medical basis and is a custom that dates back 5 000 years to keep young girls virgins and wives faithful. It is a violent attack on females—usually little girls—painful, dangerous and with serious long-term physical and psychological repercussions.

Those who survive the most extreme mutilation—although one writer has suggested that in reality the distinction between the four types is irrelevant since it depends on the sharpness of the instrument used, the struggling of the child and the skills and eyesight of the operator—suffer in an ongoing and unrelenting way. Female genital mutilation can result in death through haemorrhage, shock, acute infection and septicemia. The first type is a simple nick or scrape to the clitoris. The second is removal of the hood of the clitoris, which usually involves removal of the glans of the clitoris. The third excision, or clitoridectomy, involves the removal of glans and often part of the *labia minora*.

The fourth and most severe is infibulation in which nearly all external female genitalia are cut or hacked away. A small opening about the size of a match stick is left for passing urine and menstrual fluid. It is important to think about that, especially for those people who believe that there is some similarity between male circumcision and female genital mutilation: obviously there is not. Following marriage, the husband must penetrate the infibulated vulva. In some countries this is done with a knife before the marriage is consummated. Recently it has been estimated that there are between 80 million to 100 million mutilated women worldwide, many having been condemned to a lifetime of agony.

Female genital mutilation is practised in more than 40 countries, including 27 African countries, the southern part of the Arabian peninsula and the Persian Gulf, and by some people in India, Indonesia, Malaysia and Brazil. The consequences are severe as it is usually performed without an anaesthetic, using kitchen knives, razor blades, glass, sharp stones or scalpels in unhygienic conditions by women from within the community.

The Family Law Council says that there is anecdotal evidence that it is occurring in Australia. The Somali community in South Australia has alleged that it occurs in Melbourne. The South Australian Children's Interest Bureau has documented a case of a child admitted to a private hospital on Christmas Eve in 1992 to have female genital mutilation performed by a doctor. Cases have been identified within the Malaysian community in Western Australia, while there is anecdotal evidence that Egyptian women in Melbourne perform the operation.

Female genital mutilation predates Islam, Christianity and other major religions. Both Muslim and non-Muslim religious leaders have emphasised the absence of a religious foundation for the custom. Although it constitutes an assault or child abuse under existing statute law, the legal situation remains unclear and therefore inadequate. Other western countries, including Canada and the United Kingdom, have passed specific legislation to outlaw it.

In 1991 the United Nations Commission on Human Rights held a seminar on harmful traditional practices in Africa. It recommended legislation, education and other measures for their abolition. In Australia, we must do the same. Legislation must be part of the strategy to educate and promote change, not only in ethnic communities but also among professionals, including doctors, midwives, nurses, teachers, social workers, the police, the courts and the general community.

In December 1993, the United Nations General Assembly adopted with Australian support the Declaration of Violence Against Women, which specifies that female genital mutilation is an act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women. In a just-released discussion paper, the Family Law Council recommended that legislation should make clear that all forms of female genital mutilation, including ritualised circumcision, are not acceptable in Australia. It states that there are serious doubts about the capacity of present State laws to cope with these types of international offences, and its preliminary conclusion is that legislation should be passed to put these issues beyond doubt.

Discussion about this practice from many quarters has been interesting. I have heard people say in defence of female genital mutilation that to outlaw it is a form of cultural imperialism. In other words, if we attempt to prevent people from other cultures from carrying out practices that are part of their culture, it is a form of cultural imperialism with which we as a multicultural society should not become involved. My answer to that is that, in Australia, we need to recognise that some practices are so abhorrent to the wider Australian community that we must be prepared to say that we will not tolerate them.

In some ways, it is a clash of principles—the principle of allowing people to perpetuate the behaviour of their own countries and cultures over many years against the principle of the sanctity of life, of allowing each person to be able to live her life as a whole person. In Australia, that latter principle has to take precedence. We do not allow the severing of hands or feet from people who commit certain crimes. We do not allow the stoning of people for certain offences. We certainly should not condone this practice. We do not allow children's and women's faces to be mutilated and we should not allow female genital mutilation just because that part of the body is hidden from sight. I should like to quote from a speech in another place by the Hon. Carolyn Pickles, because it is worth repeating. She said (and I agree with her):

> This is a Bill which, I hope, when mirrored across Australia will demonstrate our commitment to the protection of women's and children's rights. At the same time, I hope that it sends an international message to those countries where female genital mutilation is still carried out. I hope that our example here in Australia will lend some support to those women and girls throughout the world who have had their health and sexuality destroyed by what is now regarded internationally as a violation of human rights.

The Government's Bill largely follows the Family Law Council's recommendations. The key points are the prohibition on carrying out the operation in South Australia and the prohibition on making arrangements for the operation to be carried out outside South Australia. Consent is no defence. The Bill specifically allows for appropriate surgical procedures which are genuinely therapeutic or part of a sex change operation.

The first part of the Bill amends the Criminal Law Consolidation Act by creating two new offences. The second part of the Bill amends the Children's Protection Act to allow the Youth Court to make orders in respect of children at risk of female genital mutilation. For example, the court may order a person not to take a certain child out of the State, or it might provide for periodic medical examinations to ensure that the child is not subject to female genital mutilation. The court may also order that a family care meeting be convened to ensure that the parents are informed of the criminal and cultural implications of the act. In terms of the female genital mutilation aspects of the Bill, as I said before, we in the Opposition concur and will support the Bill and look forward to its passage through Parliament and to its proclamation.

The provisions in the Bill that amend the Children's Protection Act relate specifically to family care meetings. I have had interesting discussions about the amendments to the

Bill, and I will deal with them in Committee. I also received a letter from and had a conversation with a person from the Courts Administration Authority who had some real concerns about the first seven amendments proposed by the Deputy Premier. However, I notice that a second set of amendments has been circulated and, I believe that, from my briefing from FACS last night, the second set of amendments will satisfy the concerns of that person. Those concerns related to who would call a family care meeting.

Looking at those amendments, I am happy to see that it happens at the calling of the Minister for Family and Community Services. That part of the Bill is simply making necessary amendments to the Child Protection Act 1993. It is obvious that, that section's having been in operation for a few months, some small changes need to be made to make the workload more manageable. I believe that that is the aim of the last set of amendments that arrived this afternoon. However, I will address that matter more extensively in the Committee stage.

Mrs HALL (Coles): While we celebrate many achievements of women on the march toward true equality, we still face a number of problems that blight the life of those of us who are left behind in some of the world's cultural backwaters. It is for these people, and in particular for the victims of the barbaric custom of female genital mutilation, that I support this Bill. I am proud to be a member of the Government that has done more than condemn the abhorrent practice of FGM. The penalties provided in this Bill are severe, and that is the way it should be. The Bill provides seven years imprisonment for the act of performing FGM and specifically targets those who perform these acts of mutilation. As the Attorney-General said in his ministerial statement:

> This offence does not target parents, but seeks to ensure there is no-one available who will perform the operation—even if parents or guardians desire it.

The Bill provides seven years imprisonment for taking a child out of South Australia for the purpose of FGM. Similarly, it provides that it is not acceptable and will not be tolerated by our society. My colleague the Hon. Robert Lawson in the other place noted that, while FGM is usually practised on girls between the ages of 6 and 12, the offence applies to the mutilation of a person of any age, making this Bill more than a matter of child protection. As the Hon. Mr Lawson also noted:

> It is a matter of this Parliament setting limits beyond which the society will not permit its citizens to go.

Make no mistake about it: female genital mutilation is and always has been a crime against women, and this legislation spells it out in big, bold letters. Female genital mutilation is not a religious rite: it is a wretched cultural practice. Robin Hill, writing in the *Bulletin*, said:

> Few practices mark the divide between cultures so dramatically. In regions of the north-east Horn of Africa and parts of Asia, where it has been practised for centuries, the operation performed on young females—which ranges from cutting off the hood of the clitoris to the removal of most of the genitalia—is translated blandly as 'female circumcision'.

How can this be defended by its perpetrators as female circumcision? Let me say at this point that FGM is to be in no way equated with male circumcision. Attempts by my colleague somehow to link the two are sadly trivialising this important health and human rights issue. Unlike male circumcision, FGM has no basis or grounding in religion. I quote from the Family Law Council discussion paper of 31 January 1994, as follows:

> Female genital mutilation is generally accepted as having predated Islam, Christianity and other religions. It is sometimes thought that FGM has its origins in Islam. However, there is no Islamic religious basis for the practice. The Koran does not contain a specific call for FGM. Both Muslim and non-Muslim religious leaders overseas and in Australia have emphasised the absence of a religious foundation for the custom. The Al-Azhar University of Cairo, the principal authority ruling on Islamic practice, restated in 1986 that female genital mutilation is not an Islamic practice or teaching.

The same discussion paper goes on to say that female genital mutilation is practised in more than 40 countries. Some 27 of those, as my colleague has said, are in Africa. It is practised in the southern part of the Arab peninsula and the Persian Gulf and there is evidence that it occurs in parts of India, Indonesia, Malaysia and Brazil. Because of the migratory pattern, the number of countries where it occurs is increasing. There seems no doubt that the UK, France, Canada and, sadly, Australia have imported the problem.

FGM occurs in four separate procedures. I apologise if I offend the squeamish, but members should rest assured that hearing the descriptions could be nowhere near as painful as undergoing the procedure. I feel that these practices should go on the record. The least severe form of female genital mutilation is ritualised circumcision, where the clitoris is scraped or nicked, causing bleeding.'Sunna' involves the removal of the outer layer of skin over the clitoris. Sometimes this involves the accidental removal of the glands of the clitoris. Even more severe is the clitoridectomy, said to be the most common form of FGM. This procedure involves the intentional removal of the glands of the clitoris, but usually the entire clitoris and often parts of the *labia minora* as well.

Most severe is 'infibulation', which involves the removal of virtually all of the external female genitalia. The entire clitoris and *labia minora* and much of the *labia majora* is cut or scraped away. The remaining raw edges of the *labia majora* are then sewn together with acacia tree thorns and held in place with catgut or sewing thread. Sometimes a paste of gum arabic, sugar and egg is used to close the vulva. The entire area is closed up with just a small opening the size of a match stick left for passing urine or menstrual fluid. A straw, a stick or a bamboo is inserted into the opening so that as the wound heals the flesh will not grow together and close the small opening.

These acts of mutilation are not performed in optimum surgical conditions: they are usually performed by traditional midwives using unsterilised knives, razors or glass. No anaesthetic is used and several women assist in restraining the girl while this barbarous act is performed. These acts are carried out on girls from a few months old through to puberty, depending on the local custom. With communications making the world a smaller place, there are many young females who understand the unfairness and brutality by any international standard of their prospective fate and they have fled their environs to avoid the trauma. The result inevitably has been that the procedure is now being performed on even younger women before they are able to realise fully the ordeal that awaits them. The purpose of these violent acts is quite simple: it is to control women. I again quote the Family Law Council, which states:

> Women from the groom's family visit and examine the bride. They check to ensure that infibulation has been done and that she is a virgin. The genital area should be as smooth as the palm of one's hand. To make intercourse easier, the vulva may be cut open slightly.

All this is to ensure monogamy on the part of the bride. It is claimed that 80 million women on this planet are affected by FGM and, in my view, that is 80 million too many. The United Nations has expressed its disgust at the practice in its Declaration on Violence Against Women. FGM is also in breach of the Convention on the Rights of the Child. With the passage of this legislation FGM will be specifically banned in South Australia. We must acknowledge that, with the changing face of Australia's population with, according to the 1991 census, almost 76 000 women from countries practising some form of FGM and 30 per cent of those from Africa, it is occurring to some degree, and that is not tolerable. We Australians pride ourselves on our multiculturalism, but our acceptance and integration of foreign custom cannot be wholly *laissez faire*.

The passage of this legislation and the actions of Parliaments around Australia will send a message to the community in general—particularly to those communities that have come from areas where FGM has been practised—that female genital mutilation will not be accepted here. I quote from the Attorney-General's wind-up speech in the Legislative Council as follows:

> I have said on some occasions that we do not know how widespread this practice may be in South Australia. Some suggested that it may affect 1 000 families, but we do not know that, and it will be important to deal sensitively with the educational issue by trying to pinpoint those cultural groups in which the practice is at least believed to occur.

This legislation will send a clear message to those who would perform such abominations that consent of parents, guardians and soon to be victims is no defence. It will deter and, it is to be hoped, prevent the transportation of children to places where such violence is still tolerated. Quite clearly, there needs to be some education about female genital mutilation, and I believe that this Bill is the first step in the educative process. As the Attorney-General has said, we will likely work with the Multicultural and Ethnic Affairs Commission, with women from various cultural backgrounds and with medical practitioners to ensure that this crime does not occur.

I must thank and congratulate my Federal colleague Trish Worth, the Federal member for Adelaide, who has courageously led the fight to see this horrific practice exposed for what it is, and who raised the consciousness of the need for legislation to ban it. Significantly, this legislation was introduced exactly one year and one day after the resolution condemning FGM passed unanimously through the House of Representatives. In other countries, too, the tide is slowly turning. I recall seeing a recent newspaper clipping saying that the banning of FGM has now become a cause in Egypt with a commitment to reform, and that is after years of indifference to the practice. Women suffer violence at the hands of men every day. It is a blight on our society that rape, battering and other physical and mental abuse are too commonplace, but we do have laws against these things and, for the most part, our citizens obey those laws.

Legislation, as much as it governs the type of community we have, should also point to the type of community we wish to have. I do not think I would get an argument from anyone in this place if I say that atrocities such as FGM do not belong in the society we all desire. I commend the Attorney for his work on the Bill and sincerely hope that all my colleagues will support this vital initiative.

The Hon. S.J. BAKER secured the adjournment of the debate.

MINING (NATIVE TITLE) AMENDMENT BILL

Consideration in Committee of the Legislative Council's message intimating that it insisted on its amendments to which the House of Assembly had disagreed.

The Hon. S.J. BAKER (Deputy Premier): I move:

> That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by the Hon. S.J. Baker, Mr Clarke, Mrs Geraghty, Mrs Hall and Mr Scalzi.

STATUTES AMENDMENT (FEMALE GENITAL MUTILATION AND CHILD PROTECTION) BILL

Adjourned debate on second reading (resumed on motion).

Mr ATKINSON (Spence): The Opposition supports the Bill. We think that cultural diversity or multiculturalism should stop before it permits the excision of an infant's clitoris or the narrowing or closure of an infant's vagina. Female circumcision, as this is sometimes called, destroys the capacity for sexual pleasure in a woman. The cuts to the flesh can cause a hardening of the surrounding flesh. This hardening may, under the stress of childbirth, contribute to a fistula, a long pipe-like ulcer. The fistula in these circumstances would be between the bladder and the vagina. This allows urine to leak via the fistula through the vagina. The fistula hospital in Addis Ababa, Ethiopia has been doing marvellous work for many years repairing the damage done to Ethiopian women by female circumcision.

Female circumcision is common in some African nations. Although Australia now takes hundreds of migrants annually from these nations, I am unwilling to welcome the practice to Australia along with the migrants. The Australian Labor Party does not accept a moral equivalence or even a comparison between male and female circumcision. The incision for male circumcision is slight; it does not affect urination and does not destroy sexual pleasure. The merits of male circumcision continue to be argued in the medical literature. We will not support the member for Ridley's amendments. The Opposition does not believe that male circumcision ought to be banned or even the subject of legislative regulation.

We think that there is no harm in multiculturalism's protecting Judaism's ancient practice of male circumcision. Indeed, it was the practice of most Australian parents until a generation ago. In June 1994 the Federal Labor Government received a report from the Family Law Council recommending that female genital mutilation be made a criminal offence and that an information campaign against the practice be directed at the ethnic minorities in Australia that might use the practice. All States except Western Australia have now acted on the report by proposing legislation to make the practice a crime.

New clause 33A prescribes a maximum penalty of seven years for a person who performs a female genital mutilation. Under new clause 33, a sex change operation is exempted from the law. A child must not be taken from South Australia for the purposes of female genital mutilation and, under new section 33B(2), the law now presumes that a person who takes a child out of the State and the child returns with a genital mutilation has taken the child out of the State for that purpose.

New section 26B amends the Children's Protection Act to allow a court to intervene *ex parte* to prevent a child's being taken from the State for the purpose of female circumcision. The court may impound a child's passport or order a child to be examined periodically to ensure that she has not been mutilated, or make orders to restrain a person reasonably suspected of being about to take a child out of the State for the purposes of female genital mutilation. By '*ex parte*' I mean that a case may be heard without the alleged or prospective offenders having notice of the hearing or the right to be heard. It is undesirable that these hearings be *ex parte* but, if that is necessary, the court will have the authority under this Bill.

I have circulated an amendment to delete the word 'religious' from new section 26B(5) because there is no evidence, as the member for Coles has pointed out, that any religion encourages female circumcision. Certainly Christianity and Islam do not. New section 26B provides:

> In proceedings before a court for protection of a girl thought to be at risk of genital mutilation, the court must assume that it is in the child's best interests to resist pressure of racial, ethnic, religious, cultural or family origin that might lead to the mutilation.

From what I have told the House, it follows that no person could come before a court under new section 26B pleading that a proposed female circumcision was justified on religious grounds. However, I am told by Mr Matthew Goode of the Attorney-General's office that female circumcision is such an ancient part of some African cultures that some people from these cultures have no certain guide as to its origin and think, mistakenly, that it is part of their religion, which it is not: it is a kind of syncretism, I suppose. Mr Goode claims some of the people might plead religion as overriding the best interests of the child. I do not see how such a case could be made out. However, out of an abundance of caution I am prepared to withdraw the amendment. But let no-one who follows the progress of this law believe that Christianity or Islam suggest or justify female genital mutilation. They do not; its origins are secular. I support the Bill.

Mr SCALZI (Hartley): I support the Bill. I will not go into detail on it, as members who have spoken before me have outlined quite clearly the abhorrent practice of female genital mutilation. As someone who supports multiculturalism, I believe that to use this argument for female genital mutilation is quite sick. There is no basis for female genital mutilation. As the member for Spence has pointed out, to use religion as a basis for it is quite sick as well. Literature clearly shows that there is no evidence that mainstream religions support such a practice.

I believe that we should promote multiculturalism, culture, tradition and all the things—language, dancing, festivals, history and religion—which enrich the human condition. However, good multiculturalism has limits, and the limits are that it does not interfere with basic humanity, as does female genital mutilation. Not only that, but it discriminates against half of humanity in an abhorrent way which one would not practice if they had any sense of civility.

I speak on this Bill not only as a member of Parliament but as a father. I would find it abhorrent if a child of mine were subjected to this practice. I believe that it is our duty to welcome and encourage diversity but not to the point where it interferes with basic humanity, which this practice does. We do not accept all traditions and laws which are practised overseas. For example, some men in Australia would like to have four wives, but that is not permitted in this country. If we have restrictions against things such as that, how much more so should we prohibit such an abhorrent practice on young girls?

For those reasons, I support the Bill and commend the Attorney-General for putting it together. I thank members for their contributions. We must send a clear message to the community that there are good, decent human practices which we must applaud and promote, and there are abhorrent practices which no civilised society, let alone Australia, will support.

Mrs GERAGHTY (Torrens): I will not repeat everything that has been said here tonight, other than to say that I wholeheartedly support the contributions of members from both sides of the House. I support the Bill because, like everyone else in this Chamber, I cannot condone such an outrageous assault on young girls and women. Although it may be practised under the guise of cultural or religious activity, it is simply not acceptable. I cannot understand why medical practitioners would perform such a mutilating operation. It is often done by older women in these communities who have no medical training at all. They use broken glass and tin can lids, as has been outlined previously. There is no anaesthetic or cleansing agent and there would be little knowledge of methods to combat infection. Whichever way we look at it, it is a barbaric and violent procedure.

It is a commendable feature of modern society that we are all conscious of the need to protect our children from violence in the home and in society. We constantly reinforce the Stranger Danger program, and we tell our children that they have the right to live without violence of any kind. Genital mutilation is a violation of the rights of female children and something which they will endure for the whole of their lives. Some men may not understand the difficulties that these children will face in the future. When I say 'some men', there are one or two, because most of the men I have spoken to find this practice absolutely abhorrent. I believe that no decent man would condone this practice.

The pain and suffering for these women in later years must be absolutely horrendous. I have read of the agonies that such women face. A woman will take 15 to 20 minutes to urinate, and the remnants of a menstrual cycle can be retained in her body causing foul odour which can lead to ongoing infection and, in some countries which have limited medical services, often a life-threatening situation. I have also heard of cases where often so much of the stale blood is retained within the abdomen that it swells, giving the woman an appearance of being pregnant. No doubt women in this condition would have little chance of survival.

What of their rights to a normal sexual experience? Women who have experienced genital mutilation would derive little sexual pleasure from a relationship with their husband. As has been said before, penetration of the vagina can occur. The opening, which is probably about the size of a pea, is torn by the husband, who may do so with his fingers or he may use a razor or a knife, or it is often done by the women in the family. I might also say that the pain during childbirth for these women is absolutely unimaginable.

If such mutilation were to be practised on men in these communities, if their genitalia were to be mutilated by a similar method so that they were not able to urinate without difficulty or enjoy a sexual relationship, this practice would have ceased long ago. The fact that female genital mutilation still occurs today in our own society when women around the world are fighting for equal recognition is absolutely

appalling. The fact that it happens to children is a damning indictment of our society and, for that matter, particularly of the society that condones it. There can be no argument for continuing such cruelty or such a repugnant practice.

We in this place and as adults in society are the protectors of all children. It is up to us to ensure that the barbaric practice of female genital mutilation ceases. I urge all members to support this Bill, and I have no doubt that that will be the case. No-one should be swayed by the argument that may be put on cultural or religious grounds, and in my opinion there could be no argument worthy of consideration when the welfare and the well being of our children and women are at stake. We simply must not tolerate such practices. As has been said, we must send a clear message that we will not accept or condone this practice.

Mr LEWIS (Ridley): This is the Year of Tolerance, but that does not mean that anyone can do anything they like to anyone else and expect that it will be tolerated. I agree with members who have spoken to this measure so far. I support the measure. The practice of sexual mutilation is vicious, barbaric and savage. There is no question about the fact that, as we approach the turn of the century in the millennium, we increasingly live in a global village and our purpose should be, by example if by no other means, to show the way for a society which is more concerned for the welfare and the rights of the citizen to acknowledge that the State exists to serve the needs of the citizen and not *vice versa*.

No cultural group or other secular interest ought to be able to claim the right to cause despair in the life of another human being who is incapable of defending themselves. In this case, mutilation can occur not only at puberty but more particularly and more likely at birth. In South Australia there are few, if any, cases of this having happened. I cannot quote other than what I have been told, and that is that those who have been detected number less than the fingers on one hand. That does not mean that we ought not condemn it; indeed, we must, and the legislation and, indeed, the existing law condemn it.

I am not talking only about female genital mutilation, and I do not know what it is that has possessed other members to believe that, by making a law which bans female sexual mutilation, it is legitimate to retain male sexual mutilation. Let me inform the member for Torrens that she is quite mistaken if she thinks that the reason it has not been banned before and provisions placed in law, such as those contained in this Bill which will make it possible to restrain parents or anyone else from taking a child outside the State or country, is that it does not happen to men and that it has not happened to baby boys: it does, it has, and it ought not be allowed to continue.

An honourable member interjecting:

Mr LEWIS: It does happen to men, and it has nothing to do with circumcision. If the honourable member were to look at the propositions contained in the amendments that I have circulated and to which we will come in Committee, she would understand that I am not talking about circumcision. To my mind, circumcision of the foreskin of a penis, in part or in whole—and only men have a penis—has its origin in the purpose of preventing sexually transmittable diseases from developing in the man and being transmitted to their partner, whether male or female. In Judaism, Islam and the Christian beliefs, because promiscuity is deplored in those religious faiths, it is done only for the purpose of ensuring that no sexually transmittable disease is capable of developing under the foreskin and being transmitted to the wife. Male partners are not considered because they fall outside the purview of religious law in every instance. As a Christian, I do not believe that it is necessary for the law to require people to be saved; I leave them to choose whether or not they wish to be saved, as Christ intended.

This practice of sexual mutilation is more horrific for boys than it is for women. The member for Torrens has drawn attention to very horrific consequences for women where total circumcision and stitching of the opening of the vagina occurs as a consequence of having removed the *labia minora*, the *labia majora* and the clitoris to the point where there is only an opening smaller than the size of a pencil, perhaps about the size of a drinking straw. That is horrific enough, and the scar tissue that results causes intense pain, as the honourable member has pointed out. Whenever normal flexibility would otherwise have been possible, it is not, because the scar tissue prevents that.

I ask the honourable member to consider what it would be like where a boy is involved. Common forms include what is called a 'lily split', which is to slice the penis from the tip of the urethra to the scrotum all the way down to the bottom of the shaft and to leave it lie open. The next most common form on a worldwide basis is simply to notch the urethra at the base of the penis next to the scrotum, commonly referred to as 'whistle cocking'. Both of these procedures are painful, the first more so than the second. There are other forms of sexual mutilation, and the two most common of those are either to completely scalp the glans penis from the tip of the penis or to mohawk cut it, that is, to leave a single strip which is still capable of stimulation, but the remainder is acutely painful. Therefore, for the man who is so afflicted by such mutilation, usually as a baby or as a consequence of torture, because it is so uncomfortable for them, if they are able to obtain an erection they cannot sustain it for any length of time. So, there is great disincentive and not much interest in sexual contact of any kind, although there is still the effect of testosterone in high levels in the aggressive nature of the man.

It is done commonly by Asian warlords on the men whom they force into service, much like sailors were press-ganged into service in the sixteenth, seventeenth and early eighteenth centuries. It was done to sailors in those days, too, if they showed too much inclination to be involved in activities on shore that the captain, mate or bosun reckoned was not in the interests of the crew. I inform the member for Torrens that that is not the end of it and that flaying the penis is still undertaken, though I have no evidence that that is undertaken in this country. It does not stop me, however, from joining her and other members who have spoken to this measure in saying that, as much as it is important for us to prevent it from happening to baby girls or adolescent girls, it is equally for us to say to any secular interest group, regardless of the culture or racial background from which they claim to come, 'It is not on. It is simply outside the law. It is against the United Nations charter of the rights of a child and of the individual to interfere with their sexuality in this way and cause such intense pain at the time and ultimately pain in other ways at later times.'

I agree with the member for Torrens that one of the consequences of doing it to women is endometriosis, making a woman look more fecund because she appears to be at the point of commencement of pregnancy as a result of the retention of menstrual fluid that surges and spills over from the Fallopian tubes and forms sacs on the inside of the abdominal cavity. Invariably that leads to an early death.

Women so affected have much higher incidence of cancer of the ovaries, I am told by doctors who have worked in those societies where some of this practice is undertaken, where they have looked at the cause of death in casual autopsy—not required by law necessarily. I am talking about missionary doctors in Africa whom I have met and spoken to both *in situ* and when they have returned home. That is to be deplored: the legislation provides for that.

I urge all other members equally to consider the case, as it relates to baby boys and adolescent boys, in sending a clear message from this Parliament that it is no longer a practice which can be tolerated, regardless of who you are and where you come from. It is savage, it is barbaric, it is brutal, it is vicious and it is insensitive, and I do not care whether or not you are a sadist; you cannot do that kind of thing to other people and expect to get away with it any longer. That is the message which will come from this House tonight, I am sure, if we pass this measure. I urge all members to give serious consideration to the amendments that I have foreshadowed and support them so that the Bill is not a sexist piece of legislation as it leaves this Chamber but one which affords equal protection to all children, regardless of their gender.

Mrs KOTZ (Newland): I have listened with a great deal of interest to the comments of other members in relation to this Bill and I thank them for their extremely well thought out and researched insight into what is most definitely, and has been described by the majority of people here, as a totally unacceptable and barbaric mutilation that should not be allowed to continue in any civilised society. I do not intend to speak for long, because I believe that the members in this place have shown their true sincerity regarding the importance of this Bill and they certainly have covered the full range, whether it be the description of the act of mutilation, which is so extreme that most people cannot believe that that type of mutilation can and does occur in our own society today.

I am very pleased that we are now debating this Bill and that it will pass into law, because it was in March last year that I raised this issue in the House with the Minister for Family and Community Services. Certainly, over that period there has been considerable debate throughout not only South Australia but the rest of the country. In recent months the issue has received considerable attention. The report of the Family Law Council was tabled in the Commonwealth Parliament on 27 June 1994, and I believe that the Queensland Law Reform Commission released its draft report on FGM in July that year.

The issue of female genital mutilation is a complex one in terms of the law. There is a view that FGM is covered by the existing general criminal law. Under those circumstances, I do not think that anyone would disagree that it comes under criminal assault. In all instances of FGM, I would suggest that it is criminal under existing law. But the question whether or not FGM is criminal turns on whether consent is a defence to the actions of the person performing the act. I believe that an adult may not, in law, consent to the infliction of actual bodily harm, or worse, unless the act can be justified in terms of medical benefit or the public interest. But we would all agree that female genital mutilation is not in the public interest and it certainly is not medically justified, so it follows that FGM amounting to actual bodily harm is criminal.

I point out, too, that, although we are talking about specific legislation in this case, the matter of FGM has never been truly tested at law and, therefore, it is even more important that we look at bringing in specific legislation that ties up the testing of criminal intent. A High Court case, known as Marion's case, involved a child, but the rules apply similarly to any adult trying to consent on behalf of a child. In that High Court case it was made clear that the consent of the child's parent or guardian must be in the best interests of the child, not merely in the biological sense but also in the social and psychological senses. A parent or guardian could not consent to sterilisation of a child unless the court approved. But the High Court, in that instance, specifically said that FGM was an instance in which a parent or guardian could not consent.

I am pleased to see that one of the key features of the Bill is very severe penalties, which include seven years maximum imprisonment if one is found guilty of performing FGM and a similar term of imprisonment if one is found guilty of taking a child from the State or arranging for a child to be taken from the State with the intention of performing FGM. From what I have heard from members tonight, I believe that the other key issues will be supported. Although the Bill itself is a very specific piece of legislation, which we all support, and although one of the key features is very heavy penalties to act as a deterrent, it is vital that legislation of this nature, which is so important, be part of a total package that has a significant focus on education to change the culture that allows this type of barbarism to occur, and perhaps also on the identification and counselling of high risk groups and individuals. Perhaps with a more open look through education into our community we may never again see the type of mutilation that takes place under this cultural norm.

I sincerely thank the Attorney-General, those who have debated this matter around the country, including the Health and Welfare Ministerial Council, and all those who support this Bill, as I do, for their participation.

The Hon. S.J. BAKER (Deputy Premier): I thank all members for their participation. There is no doubt that the Bill as it stands has universal support. There is some suggestion that it should be extended and that will be dealt with in Committee. I commend members for the amount of research they have done, particularly the member for Coles, who imparted her extensive knowledge to the House. That does not mean to say that every member who contributed did not make a solid and useful contribution to the debate.

The issue of female genital mutilation was something of which I had no awareness personally until about five years ago, so it was news to me that these practices were being pursued. The classical literature does not spend a lot of time telling people what practices operate in different countries of the world and how they impact. Clearly, there is general agreement that this did not stem from religious practice and therefore has no religious grounding as such. There are a variety of forms of genital mutilation, some of which cause drastic impacts on women and others which are less traumatic, but it is clear that the practice stems from ages well gone—perhaps 5 000 years ago. Nobody knows why such practices were embarked upon in the first instance, but one can only assume, as one or two members have pointed out, that it was a desire for some form of male domination.

The impacts are extensive and traumatic, therefore having severe ramifications, particularly for those women who may change their cultural backgrounds or their social settings and realise that there is another life. When a practice is accepted for many years in a particular tribe, little thought is given to

it. It is only when people are exposed to the wider world that those practices come into contention. I noted, for example, some of the practices of New Guinea tribes which persist today and which we would also say are abhorrent. They have not transmitted themselves into Australian or South Australian society, so we have no right to interfere in the process except to put up our hand and say that, in terms of human rights, we do not believe that those practices can ever be condoned or accepted.

We are dealing with real life situations whereby people who come to this country and State bring with them children, or bear children in this country, and these practices occur. It is up to us clearly to show our distaste and abhorrence of the practices that members outlined to this House. We are raising the standard and the flag and saying that this can no longer be allowed.

One of the interesting issues is the extent to which those who are steeped in this background and believe inherently in its worth will attempt to find other ways and means of getting around this legislation. That matter has been considered and debated and suggestions have been made as to how to overcome that situation. There have been suggestions that those families that feel so strongly about the practice may wish to take their children overseas. We do not have any inherent guarantees that this will not occur under this legislation. We would like to think that we will have 100 per cent coverage but that expectation is probably too high: nevertheless, we should aim, as far as humanly possible, to save young females from this practice.

Every member collectively and singly has outlined one or all of the issues that are so important. I was delighted that the Attorney took up the cudgels and I know that the member for Coles was a fierce proponent of this change, as was Trish Worth, the member for Adelaide. I thank them for their personal interest and pursuit of this legislative change. All in all, changes have to take place. A clear message must be sent to communities that, if they live in South Australia, such practices are totally unacceptable. If that message is quite clear, they can make their choice on the clear understanding that that is our expectation and that it will be enforced.

I thank all members. It has been an illuminating debate. I have learnt a number of things tonight that have escaped my attention over the years and I appreciate the opportunity to be provided with such extensive information on this subject. I commend all members of the House for their contributions.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr LEWIS: I move:

Page 1, line 13—Leave out 'Female'.

I wish to delete any reference to gender in the legislation by, in the first instance, removing the word 'female'. I cannot imagine how anyone can possibly say that it is abhorrent but allow this practice for boys and ban it for girls. If it is abhorrent, then it is abhorrent to mutilate the genitals of either sex and I do not think that we should be so sexist as to presume that the only people who are affected, if they are mutilated, are females—girls or women.

I know from personal experience (my injuries were not caused in that way) of others who have been mutilated. It is horrific in consequence and modifies their personality. Therefore, it ought not be permitted, for as much as it is argued that there are females who have been and could be affected in this way, there are more males who have been and could be affected in the future unless we move equally to make the legislation gender neutral and to protect all children and people from the horrific consequences of this sort of practice.

As I said in my second reading contribution, the cultural background, race or anything else of the person concerned does not matter. As far as I am concerned they are equally deserving of the protection of legislation that is passed by us through this Chamber and it is for that reason that I seek to make the legislation gender neutral in every respect, except that male circumcision should still be permitted as it is defined as the removal of the foreskin of the penis and nothing else. That is why I have moved my amendment, and I trust that it has the support of the Committee.

Ms STEVENS: I oppose the amendment. As other members said during their contribution, there is a very clear difference between male circumcision and female genital mutilation. That point was made very clearly, and the Bill was designed to prohibit female genital mutilation. The member for Ridley mentioned instances of horrific mutilation to males, but I suggest that is a matter for another Bill at another time.

The Hon. S.J. BAKER: The Government also opposes the amendment, and it does so on a number of grounds, although I commend the genuineness with which it has been moved. Some of the material presented tonight came as somewhat of a surprise to me. Indeed, some of what the member for Ridley said was not known to me and I have seen no documentation to support it, but that is no reason to cast it aside or to repudiate it. The incidents that the honourable member spoke about have obviously occurred. I am not sure under what circumstances they still occur, whether it is a tribal practice or some other practice, or whether it is still being pursued.

The first issue is to ascertain what information is available. The member for Ridley has provided us with evidence of practices that this Chamber would abhor. The second issue is to determine under what circumstances it occurs and how widespread is the practice. I do not believe that we have been provided with an enormous amount of detail on that issue. The third point in relation to the amendment is to what extent we can expect this legislation to impact on the people who may still be undertaking that practice.

In preparing this Bill, there was a clear focus, and it was not mixed up with the issue of male circumcision. Clear distinctions were made as to what this practice does to females, and I think it was agreed that it is to deprive women of sexual pleasure. Of course, a lot of consequences flow from the mutilation itself. We in this State and, I would judge, people across Australia, wish to vigorously repudiate the widespread acceptance of the practice beyond our borders.

The issue was whether this is a widespread problem, and the information provided to the House was that it involves millions of women. Because of migration, the practice has occurred and continues to occur in South Australia and in every other State. A global issue has been translated into a State responsibility. The matter was motivated by a United Nations recognition and resolution, and action has been taken to specifically target this area and information has been gathered upon which this Chamber can act. There is overwhelming evidence that this practice should never have been and can no longer be condoned.

If we move outside the boundary lines that we have set regarding female genital mutilation, we enter into another

sphere in which we have to judge a number of issues that have already been the subject of vigorous debate and on which significant evidence has been gathered over time. The advice that has been provided by the honourable Attorney-General is that, now that the issue has been raised, it must be researched so that we can be sure that, if we change or add to this legislation, we do so with full knowledge of this issue.

The simplicity of the definition may hide a number of faults, which are not covered by it. Until the boundary lines on those issues are sorted out, it is not appropriate to head in that direction even though, I imagine, all members in this place, having heard the member for Ridley, said, 'Gosh! I didn't know about those practices. If they are occurring, we should know about where they are occurring and what action is being taken to stop them.'

From the Government's point of view, the rejection of this amendment does not relate to the merit of the argument but simply to the issue of what facts we have before us upon which to make decisions. I thank the member for Ridley for bringing it to the attention of the Committee, but I do not believe that it would be competent of us to pursue the matter further until we have the same amount of information about the groups being affected, why they are affected, what the history of the practices has been and whether an education program, a change in the law or some other change is needed to have maximum impact in South Australia.

Ms STEVENS: I thank the Deputy Premier for putting that very articulately and well. The Opposition supports that position.

Mr LEWIS: I cannot imagine anything more clearly demonstrative of the political correctness of the 1980s and the 1990s gone completely mad. Is it necessary for the member for Elizabeth and the Deputy Premier to see blood before they know that murder has been committed, as it were? Why would they want to a pass a law that sends a clear signal to the community that the practice of sexually mutilating males is acceptable? I am not talking about male circumcision—that is a red herring and a smoke screen that has been used by both speakers in the argument opposing the proposition. They know very well that I am not talking about that; they have read my amendments. We are talking about mutilating the penis. Circumcising it does not do that unless it is a butchery that goes beyond circumcision and removes some of the flesh of the shaft of the penis. This is the kind of argument that I would expect to come from the women police or those with a so-called politically correct approach to things: there has to be something wrong with women. It is the same as the current indifference to prostate cancer, which kills far more males than breast cancer kills women.

If sexual mutilation of baby and adolescent girls is a practice no longer acceptable, and should never have been acceptable, then I ask the member for Elizabeth why it is legitimate to split up a boy's penis—to slash off the glans penis? That has an enormous effect on the psyche of those people—far more than the effect on the psyche of a female. That procedure prevents the ebb of testosterone that otherwise occurs with ejaculation, and ejaculation then becomes impossible. That practice, which is used in other parts of the world on boys who are regarded as being needed for the purpose of providing aggressive brawn, whether to work or to fight (and they die young, often as a result of suicide), leads to the retention of high levels of testosterone and, in consequence, results in much higher levels of aggression.

We need not look at the removal of the glans penis but simply at splitting the urethra from the tip of the penis to the scrotum. There would be at least 10 times more boys in this State so affected by that and by cutting a notch from the urethra to the base of the penis than there are girls who have been in any way mutilated through surgical removal of whole or part of their genitals. Yet we are saying in this place that it is okay to go on doing it to boys because for some reason or another the feminist police have not investigated that and put statistics together in the way that that has occurred concerning baby girls. I abhor what is done to baby girls: I have said so and I stick with that view. I more abhor, if it is possible, what is done to baby boys for the sake of the ritual or for the deliberate purpose of having them grow up with a distorted role and view of their role in the world.

We could tonight put this question beyond doubt forever. However, it seems to me that the member for Elizabeth and the Deputy Premier are unwilling to do that for specious and ill-defined reasons. One day they might come across a man who has been affected in this way and who is perhaps willing to talk about it, although I doubt it. However, if they do encounter such a person, they will hear a tale of woe the like of which they will never have heard anywhere else. I can vouch for that.

This procedure does have distressing consequences for the people who are so affected. It is worse than a man having his testicles cut off—being castrated. At least then that person does not have the consequential effect on his personality of the higher levels of testosterone. His mind remains unaffected by that and he can go into other areas of creative activity. That is why the eunuchs—the mandarins—of the Chinese court were given their testicles after they were castrated. It was an honour to live then a life of creativity in ensuring public duty properly performed without distraction of any kind. In that case it had nothing to do with getting among the Emperor's wives or concubines as is the case in the Middle East historically. In that instance it was always for the purpose of preventing the distraction that would otherwise arise in the mind of those men as the ebb and flow of testosterone affected their capacity to concentrate. That is well documented. I do not see how members can walk out of this Chamber tonight if they oppose this proposition without being ashamed of themselves.

Ms STEVENS: I just want to make a few comments in response to what the honourable member has said. It is not a matter of the feminist police or the anti-male lobby deliberately setting out to ignore the harm that is done to boys while passing laws to protect females. What the Deputy Premier said, and we agreed, was that if we want to put something into law we need to have done the research, had the discussions and collected a body of knowledge about what has happened, where it has happened and how it is related. Perhaps the member for Ridley can begin the process of getting that evidence together. In the future, when we have that information and if those issues in relation to male genital mutilation are established to the extent that they have been over many years in respect of female genital mutilation, perhaps we will be looking at an amendment to the Bill before us now.

The Hon. S.J. BAKER: Perhaps I will go back one step, because I think there has been a lack of understanding on behalf of the member for Ridley which I would like to clear up and to which perhaps he can respond. The law does not allow this at the moment. Technically, female genital mutilation, if it happens in South Australia, can be prosecuted under such areas of the Criminal Law Consolidation Act as

unlawful wounding and wounding with intent to commit grievous bodily harm.

A number of items in the statutes currently embrace these practices. However, these communities have assumed that they are not encompassed by the general law because their religious background tells them that it is a religious practice and therefore it is acceptable. So, the law does not specifically cater for these groups, many of which are from eastern countries. So, there is a difference. In all the examples that have been quoted by the member for Ridley, if that practice occurs they can be prosecuted under the current laws. Where the difficulties arise is the extent to which the law will prosecute people for what they believe is appropriate religious or cultural practice. We are making explicit that this practice cannot be condoned. That is just one issue.

The material provided by the member for Ridley, as I said, is encompassed by the law today, whereas we are talking about a practice which involves millions of people and which is accepted within their own communities, and we are specifically directing our attention towards migrants. In nothing the member for Ridley has suggested do we have a parallel situation. We are saying clearly that the taking of the knife to the female organs is illegal, inappropriate, condemned and will be prosecuted. In terms of defining male circumcision as being acceptable, we will not pass judgment on that. Most boys, certainly after the Second World War, went through that process for what were believed to be very sound health reasons. It is only in the past 10 or 15 years, as pointed out by the member for Ridley, that that has been questioned.

We are drawing a distinction and targeting certain groups. The honourable member has not provided information that would lead me to believe that we may have a large number of people at risk from countries beyond Australia who are coming here with a misunderstanding of the law and a belief that their cultural practices should continue. We are targeting this area, make no bones about it but, as I said previously, if the member for Ridley has substantial evidence of where those practices are being pursued today, the Attorney will be more than happy to have the matter examined. I do not think that anything could be fairer than that. Simply to say, 'QED: we have done females; now we should do males at the same time' is not appropriate in this Bill at all.

Mr LEWIS: The time for me to speak on this clause is now. It seems to me that neither the member for Elizabeth nor the Deputy Premier is willing to face the facts. They know damn well that I made the point quite clearly and, as the amendments that I would seek to move show, I am not talking about circumcision: I am talking about mutilation. I am saying that they both know, the evidence is there before them and nobody has the guts to say it. Why is it that more Aboriginal men are dying in custody than women? It is not just a matter of two to one, four to one or five to one but about 90 to one, and the reason is that they lack an identity consistent with the society in which they are living, in consequence of the way in which they have either been treated or believe they might otherwise have been treated and were not.

There is confusion on the one hand if they have not been initiated and, on the other hand, a lack of self esteem that they are incapable in consequence of that mutilation. If we are prepared to allow that to go on in the name of political correctness and dodge the issue, which both the Deputy Premier and the member for Elizabeth seem prepared to do, then it is on their head, not mine—and I am very sad about that. That is where the bulk of it is occurring in this State, although that does not mean that that is the only place where it is occurring. Adolescent males to whom that butchery has occurred have a confusion of sexual identity and a lack of ability, therefore, to relate to people in normal social terms.

That confusion arises in consequence of their having a totally different experience of adolescence and puberty. I cannot believe that the member for Elizabeth can simply say that it is okay, we will do it for girls now but we will let it be for boys and let the problem continue just because nobody has documented it. It is like saying that, because there were no murders in South Australia in the early days of settlement of the province, there was no necessity to make murder a crime, and that is ridiculous. I am telling them that in this analogous situation there have been murders and there are murders and that it is more horrific for the psyche as well as for the physiology of the male than it is for the female where it has occurred. I will save the time of the Committee and allow the matter to be resolved forthwith.

Question—'That the member for Ridley's amendment be carried'—declared negatived.

Mr LEWIS: Divide!

While the division was being held:

The CHAIRMAN: There being only one member for the Ayes, I declare that the Noes have it.

Amendment negatived; clause passed.

Clauses 2 to 5 passed.

Clause 6—Family care meeting must be held in certain circumstances.'

The Hon. S.J. BAKER: I move:

Page 4, lines 7 to 14—Leave out this clause and insert:

Substitution of s.27

6. Section 27 of the principal Act is repealed and the following section is substituted:

Family care meetings to be convened by Minister

27(1) If the Minister is of the opinion that a child is at risk and that arrangements should be made to secure the child's care and protection, the Minister should cause a family care meeting to be convened in respect of the child.

(2) The Minister cannot make an application under Division 2 for an order granting custody of a child, or placing a child under guardianship, before a family care meeting has been held in respect of the child unless satisfied—

(a) that it has not been possible to hold a meeting despite reasonable endeavours to do so; or

(b) that an order should be made without delay; or

(c) that the guardians of the child consent to the making of the application; or

(d) that there is other good reason to do so.

(3) An application under Division 2 is not invalid by reason only of a failure to hold a family care meeting.

Amendments to sections 27 and 38 dealt with convening a family care meeting, and it was considered inappropriate to have two sections covering children at risk. Therefore, these provisions have been consolidated in this amendment. This amendment makes it more expedient, so that we do not have two separate meetings and it can all be wrapped up into one.

Existing clause struck out; new clause inserted:

Clause 7—'Court's power to make orders.'

The Hon. S.J. BAKER: I oppose this clause. We have translated the intent of this clause into section 27 (clause 6).

Clause negatived.

Clause 8 and title passed.

Bill read a third time and passed.

LOTTERY AND GAMING (TWO UP ON ANZAC DAY) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT DEBATE

The Hon. S.J. BAKER (Deputy Premier): I move:

That the House do now adjourn.

Mr BROKENSHIRE (Mawson): Tonight I am delighted to talk about an excellent achievement in the electorate of Mawson—the launching of five new Neighbourhood Watch programs, three of which were launched in the past two weeks. This is an initiative partly of the Minister for Emergency Services (Hon. W.A. Matthew) and, with some good management by the Police Commissioner, Superintendent Jock Riach, the Regional Superintendent for the south. It is a great day for constituents, given that some of the zones in my electorate that are now able to enjoy the benefits of Neighbourhood Watch have been waiting for this to occur for five years. When we came into office in excess of 200 zones were waiting for Neighbourhood Watch programs in South Australia. As many members are aware, with the Government wanting to increase the police presence so there is a safer environment for people to traverse the State of South Australia, to be able to quickly introduce these Neighbourhood Watch programs is great news.

In the past 12 months seven new police detectives have been appointed to the Christies Beach division and, as a result of a new police station at Aldinga, an additional two shifts of police patrols have been introduced. Whilst many people are concerned that there is never enough police presence, many constituents are now saying to me that they are delighted to see more police in the southern area. Last year the truth in sentencing legislation was introduced to ensure that offenders, particularly second and subsequent offenders, were punished properly and were incarcerated for the term of their sentence and not released soon after their incarceration. Today in the House we heard that the Minister, in less than 12 months, has seen the need to once again tighten up a couple of situations within the prisons, particularly with respect to drugs and parole, and that it has already been necessary to tighten up this Act.

The Young Offenders Act was promulgated last year, and that is also starting to have an effect in my electorate. One only has to read the *Sunday Mail* of as recently as 2 April to see what effect the Young Offenders Act is starting to have on community service orders together with what the police are doing regarding safety on public transport.

Recently, I have been doing some survey work in my electorate. One of the things that constituents are still coming up with more than any other issue is that they are still concerned about law and order and public safety, which goes to show what sort of impression is being built up in South Australia over recent years regarding this matter. I would like to reassure my constituents tonight that this Government is serious about making sure that it continues to improve public safety and law and order: no stone will be unturned to ensure that that occurs.

Recently, we heard the Minister talk about the redeployment of 200 police from non-operational duties behind desks into operational duties. This will have a greater impact on curbing law and order and crime in the whole of the State. To those constituents who have been concerned, I say that they should look at what I have been talking about in the House tonight to see that this Government is listening to them. The Government is getting on with the job and, whilst it will never be possible completely to wipe out those who commit crime and break the law, I believe that we can see, day in and day out, quite an improvement in this area, particularly in the south where I understand we are able to live in a much more peaceful environment than that of the northern suburbs, where it appears that the crime rate is a lot more severe.

In conclusion, I say to the people of South Australia: work with us. It is not only up to the Government and the police to make sure that we have safety and law and order working properly in this State: it is also up to each and every member of the community. We all have a part to play, and we must work together with the police. The people must report anything that they see as being suspicious. They should get on the telephone and ring 11444. I do not recommend that they ring their local police station; they will get a better and more reactive service if they ring 11444. If they work closely with the police we will continue to see an improvement. Obviously, graffiti has increased in South Australia over the past few years. Members have spoken about this in the House, and the Brown Government now has a working party that is looking into the matter. I hope that later this year we will be able to improve that situation as well.

The other matter on which I quickly want to touch tonight is the Pimpala Primary School in my electorate. I was delighted to be invited there recently and, together with Mr Ian Filer, the dedicated Principal of that school, I made presentations of badges and observed the pledges that the new SRC for Pimpala Primary School received when they were sworn in to their office as representatives of the students of that school community. What a great morning it was. It was good to see the mums and dads supporting their children as well and to see these students who are really keen to represent their fellow students in the improvement of the school. Pimpala Primary School is not large, but it has a good future. Its educational focus and curriculum are very good. The teachers are dedicated, and there is a lot of open space area which is beneficial to the students. I enjoy visiting that school as often as possible, and I appreciate the work that the parents are doing on the school council together with the teachers and the students to ensure that each student gets the very best opportunity for a good primary school education.

I was also lucky to attend the Southern Vales Christian Community School in the past two weeks to talk about the role of a member of Parliament in the community. What a fabulous school that is; it has a great Christian ethos. The students I addressed were in only years three and four, but the questions that they asked me were better than those which many high school students ask members of Parliament when they visit Parliament House. They were concerned about euthanasia and, to an extent, some of the other Bills that are going through Parliament at the moment. It was great to hear these young children at such a young age discussing subjects as important and sensitive as euthanasia. So I would also like to commend the Southern Vales Christian Community School tonight. It is certainly growing, it works closely with the Morphett Vale Baptist Church and it is doing great work for the students in my electorate.

Motion carried.

At 9.35 p.m. the House adjourned until Thursday 6 April at 10.30 a.m.